

July 20. 2000

MUR 50.56

Office of the General Counsel  
Federal election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

JUL 26 2 56 PM '00  
OFFICE OF THE  
FEDERAL ELECTION  
COMMISSION

Respondant, Attorney Eric E. vickers  
Seeking: 1st Congressional Seat/Missouri resident  
Democratic Party  
Law Offices of vickers and Associates  
7171 Delmar  
St. Louis, Missouri

Complainant: (Complainant complies with the request to submit name and  
address, in hopes of no acts of retaliation from Respondant.  
Any acts of retaliation will be properly reported).  
Paula Johnson  
12079 Trampe Heights  
Spanish Lake, Missouri 63138

To The General Counsel;

Complainant submits documents and regulations pertaining to the question of  
unlawful violations of the Federal Election Campaign Laws, by the Respondant  
as listed above, Attorney Eric E. Vickers.

Complainant respectfully submits as **exhibit a**, the FEC Disclosure Reports that  
was downloaded from the web site of the Federal Election commission as Public  
Information.

Filed in that Report the complainant Questions:

1) "Notice of Failure to File" as documented on pages one and page two of the  
Report.

Complainant submits as **exhibit b**, document titled " Administrative Fine  
Program" page one and page two, to support the question of failing to File  
reports on time, Failure to File adequate or honest Reports, and litigimate filing  
of records.

Complainant aslo submits as a part of **exhibit b**, letter dated January 21, 2000  
from Mr. John D. Gibson, Assistant Staff director of the reports Analysis Divison,  
of the Ederal Election Commission.

8910-504-40-12

page two  
July 20, 2000  
Office of the General Counsel, Federal election Commission

- 2) Complainant submits as **exhibit c**, Page 11 of the FEC Disclosure Report as filed and Documented by the commission. Complainant questions the use of Campaign Contributions being used to pay the Rent for the Law Offices of Vickers and Associates, located as 7171 Delmar, St. Louis, Missouri 63130.
- 3) Complainant submits as **exhibit d**, Petition for Rent and Possession filed before the Circuit Court of St. Louis County, Missouri. The question is also, whether or not campaign Contributions were used to satisfy the Eviction Judgement placed against the Law Offices of Vickers and Associates of 7171 Delmar, St. Louis Missouri, as filed with the Disclosure Reports.
- 4) Complainant submits as **exhibits e**, a list of Regulations regarding the Reports of committees, the Locations of Candidate and Committee Activities, the Independent Expenditures, Contribution and expenditure limitations and prohibitions, and Unauthorized expenditures and contributions.
- 5) Regarding the practice of Law continueing in the Law Offices of a Political candidates Law Firm, the Complainant questions the legitimacy of the campaign headquarters and Law Firm listed at the same address of 7171 Delmar, St. Louis, Missouri.
- Complainant submits as **exhibit f**, §Findings of Fact and Conclusions of Law and Recommendations of the Disciplinary Counsel Panel in the state of Missouri/Missouri Supreme Court allegations/ Missouri Disciplinary Council Fee Dispute Judgments/ Informants Brief before the Supreme Court of Missouri/ and the Supreme Court Order, all placed against Respondent, Eric E. Vickers, of 7171 Delmar, St. Louis, Missouri 63130.
- In closing, Complainant submits as **exhibit g**, recent news broadcast from the St. Louis County Prosecutors Office regarding the Respondent, Eric E. Vickers.

This correspondence and the attached Regulations, and Documents are submitted to the Office of the General Counsel, of the Federal Election Commission, to answer the Questions of violations of the Federal Election Campaign Laws or Commission Regulations, against the respondent as listed.

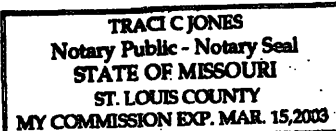
These documents and statements, the Complainant submits with supporting information on this 20th Day of July, Year 2000, by U.S. Mail.

Paula Johnson

Signed and Sworn to before me on: July 20th 2000

Date

July 20, 2000



Presented by the Federal Election Commission

Committee ID: C00294694

## CITIZENS FOR ERIC E VICKERS

7171 DELMAR BLVD SUITE 101

ST LOUIS, MO 63130

**Treasurer Name:** SAMUEL ANSARI  
**Committee Designation:** P (PRINCIPAL CAMPAIGN COMMITTEE OF A CANDIDATE)  
**Committee Type:** H (HOUSE)  
**Candidate State:** MO (Missouri)

**CANDIDATE:**  
**VICKERS, ERIC** ID: H4MO01050

### NOTE:

Click the **Display Image** column to quickly view a report page by page.  
 Click the **Display PDF** column to receive and view/print entire reports in PDF format.

#### Year 2000

Document Filed	Amended	Date		Pages	Display Image	Display PDF
MISCELLANEOUS REPORT FROM FEC			01/21/2000	1	<a href="#">20035052288</a>	<a href="#">20035052288</a>
STATEMENT OF ORGANIZATION	AMENDMENT		02/10/2000	2	<a href="#">20035274975</a>	<a href="#">20035274975</a>
APRIL QUARTERLY		01/01/2000	03/31/2000	15	<a href="#">20035514610</a>	<a href="#">20035514610</a>

#### Year 1999

Document Filed	Amended	Date		Pages	Display Image	Display PDF
NOTICE OF FAILURE TO FILE		01/01/1999	06/30/1999	2	<a href="#">99034801561</a>	<a href="#">99034801561</a>
YEAR-END		01/01/1999	12/31/1999	5	<a href="#">20035172796</a>	<a href="#">20035172796</a>

#### Year 1998

Document Filed	Amended	Date		Pages	Display Image	Display PDF
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NOTICE OF FAILURE TO FILE		01/01/1998	06/30/1998	2	<a href="#">98033500445</a>	<a href="#">98033500445</a>
YEAR-END		01/01/1998	12/31/1998	3	<a href="#">99034920844</a>	<a href="#">99034920844</a>
NOTICE OF FAILURE TO FILE		07/01/1998	12/31/1998	2	<a href="#">99034361348</a>	<a href="#">99034361348</a>

**Year 1997**

Document Filed	Amended	Date		Pages	Display Image	Display PDF
NOTICE OF FAILURE TO FILE		01/01/1997	06/30/1997	2	<a href="#">97032371186</a>	<a href="#">97032371186</a>
YEAR-END		01/01/1997	12/31/1997	3	<a href="#">99034920840</a>	<a href="#">99034920840</a>
NOTICE OF FAILURE TO FILE		07/01/1997	12/31/1997	2	<a href="#">98032844657</a>	<a href="#">98032844657</a>

**Year 1996**

Document Filed	Amended	Date		Pages	Display Image	Display PDF
NOTICE OF FAILURE TO FILE		01/01/1996	06/30/1996	2	<a href="#">96030741281</a>	<a href="#">96030741281</a>
YEAR-END		01/01/1996	12/31/1996	3	<a href="#">99034920837</a>	<a href="#">99034920837</a>
NOTICE OF FAILURE TO FILE		03/12/1997	12/31/1996	2	<a href="#">97031874329</a>	<a href="#">97031874329</a>

**Year 1995**

Document Filed	Amended	Date		Pages	Display Image	Display PDF
YEAR-END		01/01/1995	12/31/1995	3	<a href="#">99034920834</a>	<a href="#">99034920834</a>

TRY A: [NEW SEARCH](#) [NEW ADVANCED SEARCH](#)  
 RETURN TO: [FEC HOME PAGE](#)





# FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MS-F

January 21, 2000

Samuel A. Ansari, Treasurer  
Citizens For Eric S. Vickers  
5515 Pershing Suite 26h  
St. Louis, MO 63112

Identification Number: CDD294894

Dear Mr. Ansari:

Pursuant to 2 U.S.C. 5433(d)(2) of the Federal Election Campaign Act, and Commission regulations at 11 CFR §102.4, the Commission intends to administratively terminate the reporting obligation of your committee. The treasurer of the committee has 30 days from the day of receipt of this notice to object to this administrative termination. If a written objection is not received by the Commission within 30 days, this action will take effect.

Please note that:

-The administrative termination of your reporting obligation does not relieve the committee of any legal responsibility for the payment of any outstanding debt or obligation.

-The committee must continue to maintain all records in accordance with 2 U.S.C. 5432(d) which should be available for Commission inspection should the need arise.

-Excess or residual funds held by an authorized committee can only be used in accordance with Commission regulations 11 CFR Part 113.

-Any funds used to defray the remaining debts and obligations of the committee must comport with the limitations and prohibitions of the Federal Election Campaign Act of 1971, as amended, and the Commission's regulations.

-Any funds used to defray the remaining debts and obligations of the committee must comport with the personal use restrictions under 11 C.F.R. Part 113.

-Any receipt or disbursement of funds by the committee or by another committee authorized by the candidate for the purpose of influencing a federal election or supporting a federal candidate will void the administrative termination. In such an event, the committee will be required to begin filing reports with the appropriate office. The first such report will include any activity since the date of the last report filed by the committee.

If you should have any questions, please call Craig Crooks, Deputy Assistant Staff Director for the Reports Analysis Division, on (202) 694-1130 or toll free on 1800: 424-9520.

Sincerely,

John D. Gibson  
Assistant Staff Director  
Reports Analysis Division

# STATEMENT OF ORGANIZATION

(See reverse side for instructions)

RECEIVED  
FEDERAL ELECTION  
COMMISSION MAIL ROOM

2003 FEB 16 A 9 34

1. (a) NAME OF COMMITTEE IN FULL <b>Citizens for Eric E. Vickers</b>		(b) DATE <b>January 31, 2000</b>
(c) (Check if address is changed) <b>7171 Delmar Blvd., Suite 101</b>		2. FEC Identification Number <b>C00294694</b>
(d) City, State and ZIP Code <b>St. Louis, MO 63130</b>		3. Is This Report An Amendment? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

## A. TYPE OF COMMITTEE (Check one)

- ☒ (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- ☐ (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)
- |   |  |   |                               |
|---|--|---|-------------------------------|
| Name of Candidate<br><b>Eric E. Vickers</b> | Candidate Party Affiliation<br><b>Democrat</b> | Office Sought<br><b>US Representative</b> | State/District<br><b>MO/1</b> |
|---|--|---|-------------------------------|
- ☐ (c) This committee supports/apposes only one candidate \_\_\_\_\_ and is NOT an authorized committee.
- ☐ (d) This committee is a \_\_\_\_\_ committee of the \_\_\_\_\_ Party.
- ☐ (e) This committee is a separate segregated fund.
- ☐ (f) This committee supports/apposes more than one Federal candidate and is NOT a separate segregated fund or a party committee.

4. Name of Any Connected Organization or Affiliated Character	5. Mailing Address and ZIP Code	6. Main Activity
<b>N/A</b>		

## Type of Connected Organization

☐ Corporation ☐ Corporation with Capital Stock ☐ Labor Organization ☐ Membership Organization ☐ Trade Association ☐ Cooperative

## 7. Contribution of Resources Identify by name, address (give number - optional) and position of the person in possession of campaign funds and records.

Full Name	Mailing Address	Title or Position
<b>Eric Vickers</b>	<b>7171 Delmar Blvd., Suite 101, St. Louis, MO 63130</b>	<b>Candidate</b>

## 8. Treasurer: List the name and address (give number - optional) of the treasurer of the committee, and the name and address of any designated agent (e.g., medical transporter).

Full Name	Mailing Address	Title or Position
<b>Samuel Ansari</b>	<b>3508 VISTA</b>	<b>Treasurer</b>
<b>Asim Chafar</b>	<b>5709-H Coverdale Way, Alexandria, VA 22304</b>	<b>Asst. Treasurer</b>

## 9. Bank or Other Depositories: List all banks or other depositories in which the committee deposits funds, and the name and address of any designated agent.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
<b>Gateway National Bank</b>	<b>3412 N. Union St. Louis, MO 63115</b>

I certify that I have prepared this statement and to the best of my knowledge and belief it is true, correct and complete.

10. TYPE OR PRINT NAME OF TREASURER <b>Samuel Ansari</b>	11. SIGNATURE OF TREASURER <i>Samuel Ansari</i>	12. DATE <b>2/10/00</b>
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NOTE: Submission of false, inaccurate, or incomplete information may subject the person filing this statement to the penalties of 18 U.S.C. 9503a. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 30 DAYS.

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For further information contact:  
Federal Election Commission  
Toll-free 800-424-9550  
Local 202-694-1100

FEB 11 1997

FEC FORM 1  
(revised 4/97)

21-04-05 10:12

# STATEMENT OF ORGANIZATION

(See instructions side for instructions)

RECEIVED  
FEDERAL ELECTION  
COMMISSION MAIL ROOM

1005 FEB 16 A 9 34

1. (a) NAME OF COMMITTEE IN FULL <b>Citizens for Eric E. Vickers</b>	(b) (Check if address in change)	2. DATE <b>January 31, 2000</b>
(c) Number and Street Address <b>7171 Delmar Blvd., Suite 101</b>	(d) (Check if address in change)	3. FEC Identification Number <b>C00294694</b>
(e) City, State and ZIP Code <b>St. Louis, MO 63130</b>		4. Is This Report An Amendment? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

## A. TYPE OF COMMITTEE (Check one)

- ☒ (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- ☐ (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)
- |   |  |   |                               |
|---|--|---|-------------------------------|
| Name of Candidate<br><b>Eric E. Vickers</b> | Candidate Party Affiliation<br><b>Democrat</b> | Office Sought<br><b>US Representative</b> | State/Congress<br><b>Mo/1</b> |
|---|--|---|-------------------------------|
- ☐ (c) This committee supports/opposes only one candidate, \_\_\_\_\_, and is NOT an authorized committee. (Name of candidate)
- ☐ (d) This committee is a \_\_\_\_\_ committee of the \_\_\_\_\_ Party. (National, State or Subordinate) (Democratic, Republican, etc.)
- ☐ (e) This committee is a separate segregated fund.
- ☐ (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund or a party committee.

4. Name of Any Connected Organization or Political Committee	5. Mailing Address and ZIP Code	Relationship
N/A		

## Type of Connected Organization

☐ Corporation ☐ Corporation with Capital Stock ☐ Labor Organization ☐ Membership Organization ☐ Trade Association ☐ Cooperative

## 7. Declaration of Material Interests by every individual (give name - if known) and position of the person in possession of campaign books and records.

Full Name	Mailing Address	Title or Position
<b>Eric Vickers</b>	<b>7171 Delmar Blvd., Suite 101, St. Louis, MO 63130</b>	<b>Candidate</b>

## 8. Treasurer: List the name and address (phone number - optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name	Mailing Address	Title or Position
<b>Samuel Ansari</b>	<b>3508 VISTA ST. LOUIS, MO 63104</b>	<b>Treasurer</b>
<b>Asim Ghafar</b>	<b>5109-H Coverdale Way, Alexandria, VA 22304</b>	<b>Asst. Treasurer</b>

## 9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds securities, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
<b>Gateway National Bank</b>	<b>3412 N. Union St. Louis, MO 63115</b>

I certify that I have prepared this Statement and to the best of my knowledge and belief it is true, correct and complete.

TYPE OR PRINT NAME OF TREASURER <b>Samuel Ansari</b>	SIGNATURE OF TREASURER <i>Samuel Ansari</i>	DATE <b>2/10/00</b>
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NOTE: Submission of false, erroneous, or incomplete information may subject the person giving this Statement to the penalties of 18 U.S.C. § 472. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

For further information contact:  
Federal Election Commission  
Toll-free 800-426-6920  
Local 202-694-1100

FEB 11 14 PM '00

FEC FORM 1

(revised 4/97)

47705 0174

Federal Election Commission

**ENVELOPE REPLACEMENT PAGE  
FOR INCOMING DOCUMENTS**

The Commission has added this page to the end of this filing to indicate how it was received.

☐ Hand Delivered Date of Receipt

☐ First Class Mail POSTMARKED

☒ Registered/Certified Mail POSTMARKED  
2-10-00

☐ No Postmark

☐ Postmark Illegible

☐ Received from the House office of Records and Registration Date of Receipt

☐ Received from the Senate Office of Public Records Date of Receipt

☐ Other ( Specify): Postmarked  
and/or Date of Receipt

☐ Electronic Filing

*See* 2-16-00  
PREPARER DATE PREPARED

105 0175

**REPORT OF RECEIPTS AND DISBURSEMENTS**For An Authorized Committee  
(Summary Page)RECEIVED  
FEDERAL ELECTION  
COMMISSION MAIL ROOM

2003 APR 20 A 10:57

USE FEC MAILING LABEL  
OR  
TYPE OR PRINT

1. NAME OF COMMITTEE (in full) <b>CITIZENS FOR ERIC E. VICKERS</b>		2. FEC IDENTIFICATION NUMBER <b>C00294694</b>
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported. <b>7171 DELMAR, SUITE 101</b>		
CITY, STATE and ZIP CODE <b>ST. LOUIS, MO 63130</b>	STATE/DISTRICT <b>MO/1</b>	
3. IS THIS REPORT AN AMENDMENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		

**4. TYPE OF REPORT**


<input checked="" type="checkbox"/> April 15 Quarterly Report	<input type="checkbox"/> 12-Day Pre-Election Report for the _____ (Type of Election)
<input type="checkbox"/> July 15 Quarterly Report	election on _____ in the State of _____
<input type="checkbox"/> October 15 Quarterly Report	<input type="checkbox"/> 30-Day Post-Election Report following the General Election
<input type="checkbox"/> January 31 Year End Report	on _____ in the State of _____
<input type="checkbox"/> July 31 Mid-Year Report (Non-election Year Only)	<input type="checkbox"/> Termination Report

This report contains activity for ☒ Primary Election ☐ General Election ☐ Special Election ☐ Runoff Election

**SUMMARY**

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
4. Covering Period <u>1/1/2000</u> through <u>3/31/2000</u>		
5. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(c))	12477	12477
(b) Total Contribution Refunds (from Line 20(d))	0	0
(c) Net Contributions (other than loans) (subtract Line 11(c) from 5(a))	12477	12477
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	9594.54	9594.54
(b) Total Offset to Operating Expenditures (from Line 14)	0	0
(c) Net Operating Expenditures (subtract Line 17(b) from 7(a))	9594.54	9594.54
8. Cash on Hand at Close of Reporting Period (from Line 27)	3028.97	
9. Debts and Obligations Owed TO the Committee (Report all on Schedule C and/or Schedule D)	0	
10. Debts and Obligations Owed BY the Committee (Report all on Schedule C and/or Schedule D)	20.133	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer <b>Asim Ghafoor, Asst. Treasurer</b>	Date <b>3/17/2000</b>
Signature of Treasurer 	

NOTE: Submission of false, unknown, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

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**FEC FORM 3**  
(revised 4/87)

# REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee  
(Summary Page)

RECEIVED  
FEDERAL ELECTION  
COMMISSION MAIL ROOM

2000 APR 20 A 10:57

USE PRE MAILING LABEL  
OR  
TYPE OR PRINT

1. NAME OF COMMITTEE (in full)  
**CITIZENS FOR ERIC E. VICKERS**

ADDRESS (number and street) ☐ Check if different than previously reported.  
**7171 DELMAR, SUITE 101**

CITY, STATE and ZIP CODE  
**ST. LOUIS, MO 63130**

STATE/DISTRICT  
**MO/1**

2. FEC IDENTIFICATION NUMBER  
**COD294694**

3. IS THIS REPORT AN AMENDMENT?  
☐ YES ☒ NO

## 4. TYPE OF REPORT

- ☒ April 15 Quarterly Report ☐ 12-Day Pre-Election Report for the \_\_\_\_\_ (Type of Election)  
election on \_\_\_\_\_ in the State of \_\_\_\_\_
- ☐ July 15 Quarterly Report ☐ 30-Day Post-Election Report following the General Election  
on \_\_\_\_\_ in the State of \_\_\_\_\_
- ☐ October 15 Quarterly Report
- ☐ January 31 Year End Report
- ☐ July 31 Mid-Year Report (Non-election Year Only) ☐ Termination Report

This report contains activity for ☒ Primary Election ☐ General Election ☐ Special Election ☐ Runoff Election

## SUMMARY

6. Covering Period	COLUMN A This Period	COLUMN B Calendar Year-to-Date
<b>1/1/2000 through 3/31/2000</b>		
7. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(a))	12477	12477
(b) Total Contribution Refunds (from Line 20(d))	0	0
(c) Net Contributions (other than loans) (subtract Line 20(d) from 11(a))	12477	12477
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	9594.54	9594.54
(b) Total Offsets to Operating Expenditures (from Line 14)	0	0
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	9594.54	9594.54
8. Cash on Hand at Close of Reporting Period (from Line 27)	3028.97	
9. Debts and Obligations Owed TO the Committee (Report all on Schedule C and/or Schedule D)	0	
10. Debts and Obligations Owed BY the Committee (Report all on Schedule C and/or Schedule D)	20.133	

For further information  
contact:  
Federal Election Commission  
800 E Street, NW  
Washington, DC 20463  
Toll Free 800-424-9538  
Local 202-694-1100

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer **Asim Ghafoor, Asst. Treasurer**

Signature of Treasurer **[Signature]** Date **3/17/2000**

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

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FEC FORM 3  
(revised 4/87)

FED-000000

21-04-405-0177

# **DETAILED SUMMARY PAGE**

of Receipts and Disbursements  
(Page 2, FEC FORM 3)

Name of Committee (in full)

**CITIZENS FOR ERIC E. VICKERS**

Report Covering the Period:

From **1/1/2000** To **3/31/2000**

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date	
<b>11. CONTRIBUTIONS (other than loans) FROM:</b>			
(a) Individuals/Persons Other Than Political Committees			11(a)
(i) Itemized (see Schedule A) _____	12,395		11(a)(i)
(ii) Unitemized _____	92		11(a)(ii)
(iii) Total of contributions from individuals _____	12,477	12,477	11(a)(iii)
(b) Political Party Committees _____	0		11(b)
(c) Other Political Committees (such as PACs) _____	0		11(c)
(d) The Candidate _____	0		11(d)
(e) TOTAL CONTRIBUTIONS (other than loans) (add 11(a)(iii), (b), (c) and (d)) _____	12,477	12,477	11(e)
<b>12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES _____</b>	0	0	12
<b>13. LOANS:</b>			
(a) Made or Guaranteed by the Candidate _____	0	0	13(a)
(b) All Other Loans _____			13(b)
(c) TOTAL LOANS (add 13(a) and (b)) _____	0	0	13(c)
<b>14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) _____</b>	0	0	14
<b>15. OTHER RECEIPTS (Dividends, Interest, etc.) _____</b>	0	0	15
<b>16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15) _____</b>	12,477	12,477	16
<b>II. DISBURSEMENTS</b>			
<b>17. OPERATING EXPENDITURES _____</b>	9,594.54	9,594.54	17
<b>18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES _____</b>	0	0	18
<b>19. LOAN REPAYMENTS:</b>			
(a) Of Loans Made or Guaranteed by the Candidate _____	0	0	19(a)
(b) Of All Other Loans _____	0	0	19(b)
(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b)) _____	0	0	19(c)
<b>20. REFUNDS OF CONTRIBUTIONS TO:</b>			
(a) Individuals/Persons Other Than Political Committees _____	0	0	20(a)
(b) Political Party Committees _____	0	0	20(b)
(c) Other Political Committees (such as PACs) _____	0	0	20(c)
(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b) and (c)) _____	0	0	20(d)
<b>21. OTHER DISBURSEMENTS _____</b>	0	0	21
<b>22. TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d) and 21) _____</b>	9,594.54	9,594.54	22

## **III. CASH SUMMARY**

<b>23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD _____</b>	\$ 146.51	23
<b>24. TOTAL RECEIPTS THIS PERIOD (from Line 16) _____</b>	\$ 12,477	24
<b>25. SUBTOTAL (add Line 23 and Line 24) _____</b>	\$ 12,623.51	25
<b>26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22) _____</b>	\$ 9,594.54	26
<b>27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (subtract Line 26 from 25) _____</b>	\$ 3,028.97	27

FEB000000

21 "04" 405 "0178

## SCHEDULE A

## ITEMIZED RECEIPTS

Use separate schedule(s)  
for each category of the  
Detailed Summary PagePAGE 3 of 4  
FOR LINE NUMBER  
11(2)(D)Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for comment of  
purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)

CITIZENS FOR ERIC E. VICKERS

<b>A. Full Name, Mailing Address and ZIP Code</b> <b>TASAWWAR KHAN</b> <b>5501 ELK HOLLOW CT</b> <b>ELK GROVE, CA 95758</b> Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b>  <b>Occupation</b>  <b>Aggregate Year-to-Date</b> > \$ 100	<b>Date (month, day, year)</b> <b>2/22/00</b>	<b>Amount of Each Receipt This Period</b> <b>100.00</b>
<b>B. Full Name, Mailing Address and ZIP Code</b> <b>MALIKA KHAN</b> <b>1632 EL DORADO AVE</b> <b>SAN JOSE, CA 95126</b> Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b>  <b>Occupation</b>  <b>Aggregate Year-to-Date</b> > \$ 100	<b>Date (month, day, year)</b> <b>2/26/00</b>	<b>Amount of Each Receipt This Period</b> <b>100.00</b>
<b>C. Full Name, Mailing Address and ZIP Code</b> <b>ZAFAR MALIK</b> <b>150 PILGRIM LOOP</b> <b>FREMONT, CA 94539</b> Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b>  <b>Occupation</b>  <b>Aggregate Year-to-Date</b> > \$ 1000	<b>Date (month, day, year)</b> <b>2/26/00</b>	<b>Amount of Each Receipt This Period</b> <b>1000.00</b>
<b>D. Full Name, Mailing Address and ZIP Code</b> <b>FAWZI KADDOURA</b> <b>448 BEECH AVE.</b> <b>SAN BRUNO, CA 94066</b> Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b>  <b>Occupation</b>  <b>Aggregate Year-to-Date</b> > \$ 100	<b>Date (month, day, year)</b> <b>2/26/00</b>	<b>Amount of Each Receipt This Period</b> <b>100.00</b>
<b>E. Full Name, Mailing Address and ZIP Code</b> <b>NAMIR ALNAGEM</b> <b>3460 SKYLINE DR.</b> <b>HAYWARD, CA 94542</b> Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b>  <b>Occupation</b>  <b>Aggregate Year-to-Date</b> > \$ 100	<b>Date (month, day, year)</b> <b>2/25/00</b>	<b>Amount of Each Receipt This Period</b> <b>100.00</b>
<b>F. Full Name, Mailing Address and ZIP Code</b> <b>AHMED B. HASAN</b> <b>4216 KRAUSE CT.</b> <b>PLEASANTON, CA 94588</b> Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b>  <b>Occupation</b>  <b>Aggregate Year-to-Date</b> > \$ 1000	<b>Date (month, day, year)</b> <b>2/25/00</b>	<b>Amount of Each Receipt This Period</b> <b>1000.00</b>
<b>G. Full Name, Mailing Address and ZIP Code</b> <b>IFTEKHAR SYED HUSAIN</b> <b>39052 APPLGATE TERRACE</b> <b>FREMONT, CA 94536</b> Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b>  <b>Occupation</b>  <b>Aggregate Year-to-Date</b> > \$ 500	<b>Date (month, day, year)</b> <b>2/26/00</b>	<b>Amount of Each Receipt This Period</b> <b>500.00</b>

SUBTOTAL of Receipts This Page (optional)

2900

TOTAL This Period (last page this line number only)



## SCHEDULE A

## ITEMIZED RECEIPTS

 Use separate schedule(s)  
for each category of the  
Political Summary Page

PAGE 4 OF 14

FOR LINE NUMBER  
11(a)(i)

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NAME OF COMMITTEE (in full)

CITIZENS FOR ERIC E. VICKERS

<b>A. Full Name, Mailing Address and ZIP Code</b> MAROOF MIAN 5114 EPPLING LANE SAN JOSE, CA 95111 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b>  <b>Occupation</b>  <b>Aggregate Year-to-Date</b> > \$ 500	<b>Date (month, day, year)</b> 2/25/00	<b>Amount of Each Receipt This Period</b> 500.00
<b>B. Full Name, Mailing Address and ZIP Code</b> SAYED I. INAMDAR 1784 CORTE DE ORINDA FREMONT, CA 94539 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b>  <b>Occupation</b>  <b>Aggregate Year-to-Date</b> > \$ 100	<b>Date (month, day, year)</b> 2/26/00	<b>Amount of Each Receipt This Period</b> 100.00
<b>C. Full Name, Mailing Address and ZIP Code</b> MOHAMMAD YUNUS 1744 CORTE DE ORINDA FREMONT, CA 94539 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b>  <b>Occupation</b>  <b>Aggregate Year-to-Date</b> > \$ 200	<b>Date (month, day, year)</b> 2/26/00	<b>Amount of Each Receipt This Period</b> 200.00
<b>D. Full Name, Mailing Address and ZIP Code</b> ZAFAR M. KHALID 178 CHYNOWETH AVE. SAN JOSE, CA 95136 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b>  <b>Occupation</b>  <b>Aggregate Year-to-Date</b> > \$ 250	<b>Date (month, day, year)</b> 2/26/00	<b>Amount of Each Receipt This Period</b> 250.00
<b>E. Full Name, Mailing Address and ZIP Code</b> WASIM A. KHAN 3125 KERMATH DR. SAN JOSE, CA 95132 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b>  <b>Occupation</b>  <b>Aggregate Year-to-Date</b> > \$ 100	<b>Date (month, day, year)</b> 2/26/00	<b>Amount of Each Receipt This Period</b> 100.00
<b>F. Full Name, Mailing Address and ZIP Code</b> MASOOD ALAVI 3034 KING ESTATES SAN JOSE, CA 95135 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b>  <b>Occupation</b>  <b>Aggregate Year-to-Date</b> > \$ 100	<b>Date (month, day, year)</b> 2/26/00	<b>Amount of Each Receipt This Period</b> 100.00
<b>G. Full Name, Mailing Address and ZIP Code</b> IQBAL AFZAL 6330 STONE RIDGE MALL RD. E216 PLEASANTON, CA 95094 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b>  <b>Occupation</b>  <b>Aggregate Year-to-Date</b> > \$ 100	<b>Date (month, day, year)</b> 2/26/00	<b>Amount of Each Receipt This Period</b> 100.00

SUBTOTAL of Receipts This Page (optional)

1350

TOTAL This Period (last page this line number only)

## SCHEDULE A

## ITEMIZED RECEIPTS

Use separate schedule  
for each category of the  
Detailed Summary Page

PAGE 5 OF 14

FOR LINE NUMBER  
11(2)(i)

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NAME OF COMMITTEE (in full)

CITIZENS FOR ERIC E. VICKERS

<b>A. Full Name, Mailing Address and ZIP Code</b> SAHIR AHMED 137 GALWAY TERRACE FREMONT, CA 94536 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b>  <b>Occupation</b> Aggregate Year-to-Date > \$ 50	<b>Date (month, day, year)</b> 2/26/00	<b>Amount of Each Receipt This Period</b> 50.00
<b>B. Full Name, Mailing Address and ZIP Code</b> HABIB A. MOON 44127 PACKARD CT. FREMONT, CA 94539 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b>  <b>Occupation</b> Aggregate Year-to-Date > \$ 50	<b>Date (month, day, year)</b> 2/26/00	<b>Amount of Each Receipt This Period</b> 50.00
<b>C. Full Name, Mailing Address and ZIP Code</b> AZRA KAZI 5552 DUNSBURRY CT. SAN JOSE, CA 95123 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b>  <b>Occupation</b> Aggregate Year-to-Date > \$ 100	<b>Date (month, day, year)</b> 2/26/00	<b>Amount of Each Receipt This Period</b> 100.00
<b>D. Full Name, Mailing Address and ZIP Code</b> GULAM DASTAGIR 221 ORONSAY WAY SAN JOSE, CA 95119 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b>  <b>Occupation</b> Aggregate Year-to-Date > \$ 25	<b>Date (month, day, year)</b> 2/26/00	<b>Amount of Each Receipt This Period</b> 25.00
<b>E. Full Name, Mailing Address and ZIP Code</b> SERBANU RYDHAN 1541 OLD PIEDMONT RD. SAN JOSE, CA 95132 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b>  <b>Occupation</b> Aggregate Year-to-Date > \$ 100	<b>Date (month, day, year)</b> 3/11/00	<b>Amount of Each Receipt This Period</b> 100.00
<b>F. Full Name, Mailing Address and ZIP Code</b> HAITHAN K. HAMED 2217 LOS PADRES BLVD.#12 SANTA CLARA, CA 95050 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b>  <b>Occupation</b> Aggregate Year-to-Date > \$ 250	<b>Date (month, day, year)</b> 2/28/00	<b>Amount of Each Receipt This Period</b> 250.00
<b>G. Full Name, Mailing Address and ZIP Code</b> LAITH JONY 1577 POMEROY AVE.#402 SANTA CLARA, CA 95051 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b>  <b>Occupation</b> Aggregate Year-to-Date > \$ 300	<b>Date (month, day, year)</b> 2/27/00	<b>Amount of Each Receipt This Period</b> 300.00

SUBTOTAL of Receipts This Page (optional) ...

875

TOTAL This Period (last page this line number only)

SCHEDULE A

ITEMIZED RECEIPTS

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 6 OF 14

FOR LINE NUMBER 11(A)(2)

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NAME OF COMMITTEE (in Full)

CITIZENS FOR ERIC E. VICKERS

<p>A. Full Name, Mailing Address and ZIP Code</p> <p>ZAGLOUL KADAH 16492 HARWOOD RD. LOS GATOS, CA 95032</p> <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date &gt; \$ 500</p>	<p>Date (month, day, year)</p> <p>3/9/00</p>	<p>Amount of Each Receipt this Period</p> <p>500.00</p>
<p>B. Full Name, Mailing Address and ZIP Code</p> <p>NASEEM TUFFAHA 5714-34TH AVE. NE SEATTLE, WA 98105</p> <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date &gt; \$ 1000</p>	<p>Date (month, day, year)</p> <p>3/11/00</p>	<p>Amount of Each Receipt this Period</p> <p>1000.00</p>
<p>C. Full Name, Mailing Address and ZIP Code</p> <p>M. J. KHARI 1812-223RD PLACE, NE REDMOND, WA 98053</p> <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date &gt; \$ 1000</p>	<p>Date (month, day, year)</p> <p>3/12/00</p>	<p>Amount of Each Receipt this Period</p> <p>1000.00</p>
<p>D. Full Name, Mailing Address and ZIP Code</p> <p>ELIAZ SAMAD 10316 NORTHEAST 153RD PL. BOTHELL, WA 98011</p> <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date &gt; \$ 200</p>	<p>Date (month, day, year)</p> <p>3/10/00</p>	<p>Amount of Each Receipt this Period</p> <p>200.00</p>
<p>E. Full Name, Mailing Address and ZIP Code</p> <p>RAUSHANAH K. EL-AMIN 4919-31ST AVE. S. SEATTLE, WA 98108</p> <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date &gt; \$ 200</p>	<p>Date (month, day, year)</p> <p>3/11/00</p>	<p>Amount of Each Receipt this Period</p> <p>200.00</p>
<p>F. Full Name, Mailing Address and ZIP Code</p> <p>R. AKHTAR 3049 SOUTH 200TH ST. SEATAC, WA 98198</p> <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date &gt; \$ 50</p>	<p>Date (month, day, year)</p> <p>3/11/00</p>	<p>Amount of Each Receipt this Period</p> <p>50.00</p>
<p>G. Full Name, Mailing Address and ZIP Code</p> <p>IFFAT UNNISA KHANAM 3651 246TH PL., SE ISSAQUAH, WA 98029</p> <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date &gt; \$ 200</p>	<p>Date (month, day, year)</p> <p>3/11/00</p>	<p>Amount of Each Receipt this Period</p> <p>200.00</p>

SUBTOTAL of Receipts This Page (top line)

3,150

TOTAL This Period (last page this line number only)

## SCHEDULE A

## ITEMIZED RECEIPTS

Use separate schedule(s)  
for each category of the  
Detailed Summary Page

PAGE 8 OF 14

FOR LINE NUMBER  
11(A)(2)

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NAME OF COMMITTEE (in Full)

CITIZENS FOR ERIC E. VICKERS

A. Full Name, Mailing Address and ZIP Code

NADIA CLARK  
15615 BEL-RED RD.  
BELLEVUE, WA 98008

Name of Employer

Date (month,  
day, year)

3/11/00

Amount of Each  
Receipt This Period

1000.00

Receipt For: ☒ Primary ☐ General  
☐ Other (specify):

Occupation

Aggregate Year-to-Date &gt; \$ 1000

B. Full Name, Mailing Address and ZIP Code

FARIDA HAKIM  
4202 150TH AVE. SE  
BELLEVUE, WA 98006

Name of Employer

Date (month,  
day, year)

3/11/00

Amount of Each  
Receipt This Period

100.00

Receipt For: ☒ Primary ☐ General  
☐ Other (specify):

Occupation

Aggregate Year-to-Date &gt; \$ 100

C. Full Name, Mailing Address and ZIP Code

HAZIM RASHED  
18603 NE 194TH ST.  
WOODINVILLE, WA 98072

Name of Employer

Date (month,  
day, year)

3/11/00

Amount of Each  
Receipt This Period

100.00

Receipt For: ☒ Primary ☐ General  
☐ Other (specify):

Occupation

Aggregate Year-to-Date &gt; \$ 100

D. Full Name, Mailing Address and ZIP Code

JAMEEL HYDER  
23292 NE 16TH PLACE  
REDMOND, WA 98053

Name of Employer

Date (month,  
day, year)

3/11/00

Amount of Each  
Receipt This Period

500.00

Receipt For: ☒ Primary ☐ General  
☐ Other (specify):

Occupation

Aggregate Year-to-Date &gt; \$ 500

E. Full Name, Mailing Address and ZIP Code

JANICE E. RASHED  
18603 NE 194TH ST.  
WOODINVILLE, WA 98072

Name of Employer

Date (month,  
day, year)

3/9/00

Amount of Each  
Receipt This Period

50.00

Receipt For: ☒ Primary ☐ General  
☐ Other (specify):

Occupation

Aggregate Year-to-Date &gt; \$ 50

F. Full Name, Mailing Address and ZIP Code

KAMRAN IQBAL  
14504 NE 42ND PL#N-608  
BELLEVUE, WA 98007

Name of Employer

Date (month,  
day, year)

3/11/00

Amount of Each  
Receipt This Period

300.00

Receipt For: ☒ Primary ☐ General  
☐ Other (specify):

Occupation

Aggregate Year-to-Date &gt; \$ 300

G. Full Name, Mailing Address and ZIP Code

1700 1ST AVE. S  
SEATTLE, WA 98134

Name of Employer

Date (month,  
day, year)

3/10/00

Amount of Each  
Receipt This Period

50.00

Receipt For: ☒ Primary ☐ General  
☐ Other (specify):

Occupation

Aggregate Year-to-Date &gt; \$ 50

SUBTOTAL of Receipts This Page (optional)

2,100

TOTAL This Period (last page this line number only)

21.04.405.0183

## SCHEDULE A

## ITEMIZED RECEIPTS

Use separate schedule(s)  
for each category of the  
Detailed Summary Page

PAGE 8 OF 14

FOR LINE NUMBER  
11(0X1)

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NAME OF COMMITTEE (in full)

CITIZENS FOR ERIC E. VICKERS

A. Full Name, Mailing Address and ZIP Code

FRANK FAWAZ AFRANZI  
13691 SW JENNA CT.  
TIGARD, OR 97223

Name of Employer

Date (month,  
day, year)  
3/12/00Amount of Each  
Receipt This Period

100.00

Occupation

Receipt For: ☒ Primary ☐ General  
☐ Other (specify):

Aggregate Year-to-Date &gt; \$ 700

B. Full Name, Mailing Address and ZIP Code

JOSEFINA S. AHMAD  
3205 NW LINMERE DR.  
PORTLAND, OR 97229

Name of Employer

Date (month,  
day, year)  
3/12/00Amount of Each  
Receipt This Period

500.00

Occupation

Receipt For: ☒ Primary ☐ General  
☐ Other (specify):

Aggregate Year-to-Date &gt; \$ 500

C. Full Name, Mailing Address and ZIP Code

GULZAR AHMED  
9775 SW PAWNEE PATH  
TUALATIN, OR 97062

Name of Employer

Date (month,  
day, year)  
3/12/00Amount of Each  
Receipt This Period

100.00

Occupation

Receipt For: ☒ Primary ☐ General  
☐ Other (specify):

Aggregate Year-to-Date &gt; \$ 100

D. Full Name, Mailing Address and ZIP Code

MDHAMMAD I. SABRI  
2924 HUNTER WAY  
WEST LINN, OR 97068

Name of Employer

Date (month,  
day, year)  
3/12/00Amount of Each  
Receipt This Period

100.00

Occupation

Receipt For: ☒ Primary ☐ General  
☐ Other (specify):

Aggregate Year-to-Date &gt; \$ 100

E. Full Name, Mailing Address and ZIP Code

BASHIR AKIL  
5736 N. YALE ST.  
PORTLAND, OR 97203

Name of Employer

Date (month,  
day, year)  
3/12/00Amount of Each  
Receipt This Period

100.00

Occupation

Receipt For: ☒ Primary ☐ General  
☐ Other (specify):

Aggregate Year-to-Date &gt; \$ 100

F. Full Name, Mailing Address and ZIP Code

OSAMA M. QUTUB  
9928 SW QUAIL POST RD.  
PORTLAND, OR 97219

Name of Employer

Date (month,  
day, year)  
3/12/00Amount of Each  
Receipt This Period

150.00

Occupation

Receipt For: ☒ Primary ☐ General  
☐ Other (specify):

Aggregate Year-to-Date &gt; \$ 150

G. Full Name, Mailing Address and ZIP Code

RUKHSANA B. BASHAR  
15235 SW LARK LANE  
BEAVERTON, OR 97007

Name of Employer

Date (month,  
day, year)  
3/12/00Amount of Each  
Receipt This Period

100.00

Occupation

Receipt For: ☒ Primary ☐ General  
☐ Other (specify):

Aggregate Year-to-Date &gt; \$ 100

SUBTOTAL of Receipts This Page (optional)

1150

TOTAL This Period (last page this line number only)

## SCHEDULE A

## ITEMIZED RECEIPTS

Use separate schedule(s)  
for each category of the  
Detailed Summary Page

PAGE 9 OF 14

FOR LINE NUMBER  
11(a)(2)

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NAME OF COMMITTEE (in Full)

CITIZENS FOR ERIC E. VICKERS

A. Full Name, Mailing Address and ZIP Code

S. JAMIL AHMAD  
7931 CYRUS PL.  
EDMONDS, WA 98020

Name of Employer

Date (month,  
day, year)

3/11/00

Amount of Each  
Receipt This Period

50.00

Receipt For:

☒ Primary☐ General☐ Other (specify):

Occupation

Aggregate Year-to-Date &gt; \$50

B. Full Name, Mailing Address and ZIP Code

ALI DEBASI  
2922 WESTERN AVE. #702  
SEATTLE, WA 98121

Name of Employer

Date (month,  
day, year)

3/11/00

Amount of Each  
Receipt This Period

100.00

Receipt For:

☒ Primary☐ General☐ Other (specify):

Occupation

Aggregate Year-to-Date &gt; \$100

C. Full Name, Mailing Address and ZIP Code

RIAZ AMIN  
300 LENORA ST. #422  
SEATTLE, WA

Name of Employer

Date (month,  
day, year)

3/11/00

Amount of Each  
Receipt This Period

60.00

Receipt For:

☒ Primary☐ General☐ Other (specify):

Occupation

Aggregate Year-to-Date &gt; \$60

D. Full Name, Mailing Address and ZIP Code

AKHLAQ KHATRI  
15216 NE 16TH A.  
BELLEVUE, WA 98007

Name of Employer

Date (month,  
day, year)

3/11/00

Amount of Each  
Receipt This Period

100.00

Receipt For:

☒ Primary☐ General☐ Other (specify):

Occupation

Aggregate Year-to-Date &gt; \$100

E. Full Name, Mailing Address and ZIP Code

VAWID ZAHIR  
SEATTLE, WA

Name of Employer

Date (month,  
day, year)

3/11/00

Amount of Each  
Receipt This Period

100.00

Receipt For:

☒ Primary☐ General☐ Other (specify):

Occupation

Aggregate Year-to-Date &gt; \$100

F. Full Name, Mailing Address and ZIP Code

MOHAMMED A. GODIL  
3813 SE 182ND CT.  
VANCOUVER, WA 98683

Name of Employer

Date (month,  
day, year)

3/12/00

Amount of Each  
Receipt This Period

100.00

Receipt For:

☒ Primary☐ General☐ Other (specify):

Occupation

Aggregate Year-to-Date &gt; \$100

G. Full Name, Mailing Address and ZIP Code

NAJIBA WAHAB  
LC BOX 2123  
PORTLAND, OR 97219

Name of Employer

Date (month,  
day, year)

3/12/00

Amount of Each  
Receipt This Period

60.00

Receipt For:

☒ Primary☐ General☐ Other (specify):

Occupation

Aggregate Year-to-Date &gt; \$60

SUBTOTAL of Receipts This Page (optional)

570

TOTAL This Period (last page this line number only)

## SCHEDULE A

## ITEMIZED RECEIPTS

Use separate schedule(s)  
for each category of the  
Detailed Summary Page

PAGE 10 OF 14

FOR LINE NUMBER  
11(A)(1)

Any information copied from such Reports and Statements may not be used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)

CITIZENS FOR ERIC E. VICKERS

A. Full Name, Mailing Address and ZIP Code

AMJAD HUMAYUN  
14766 SW SCHOLLS FERRY  
BEAVERTON, OR 97007 #1214Receipt For: ☒ Primary ☐ General  
☐ Other (specify):

Name of Employer

Occupation

Date (month,  
day, year)

3/12/00

Amount of Each  
Receipt This Period

100.00

Aggregate Year-to-Date &gt; \$ 100

B. Full Name, Mailing Address and ZIP Code

NABEEL M. QUTUB  
3999 SE JENNINGS AVE.  
MILWAUKIE, OR 97267Receipt For: ☒ Primary ☐ General  
☐ Other (specify):

Name of Employer

Occupation

Date (month,  
day, year)

3/12/00

Amount of Each  
Receipt This Period

100.00

Aggregate Year-to-Date &gt; \$ 100

C. Full Name, Mailing Address and ZIP Code

KALIM QAMAR  
852 SW LANTANA  
GERVAIS, OR 97026Receipt For: ☒ Primary ☐ General  
☐ Other (specify):

Name of Employer

Occupation

Date (month,  
day, year)

3/25/00

Amount of Each  
Receipt This Period

100.00

Aggregate Year-to-Date &gt; \$ 100

D. Full Name, Mailing Address and ZIP Code

Receipt For: ☐ Primary ☐ General  
☐ Other (specify):

Name of Employer

Occupation

Date (month,  
day, year)

Aggregate Year-to-Date &gt; \$

Amount of Each  
Receipt This Period

E. Full Name, Mailing Address and ZIP Code

Receipt For: ☐ Primary ☐ General  
☐ Other (specify):

Name of Employer

Occupation

Date (month,  
day, year)

Aggregate Year-to-Date &gt; \$

Amount of Each  
Receipt This Period

F. Full Name, Mailing Address and ZIP Code

Receipt For: ☐ Primary ☐ General  
☐ Other (specify):

Name of Employer

Occupation

Date (month,  
day, year)

Aggregate Year-to-Date &gt; \$

Amount of Each  
Receipt This Period

G. Full Name, Mailing Address and ZIP Code

Receipt For: ☐ Primary ☐ General  
☐ Other (specify):

Name of Employer

Occupation

Date (month,  
day, year)

Aggregate Year-to-Date &gt; \$

Amount of Each  
Receipt This Period

SUBTOTAL of Receipts This Page (optional)

300

TOTAL This Period (last page to line number only)

12395

REMARKS:

21.04.405.0186

## SCHEDULE B

## ITEMIZED DISBURSEMENTS

(Use separate schedules for each category of the Detailed Summary Page)

PAGE 11 OF 14

FOR LINE NUMBER 17

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NAME OF COMMITTEE (in full)

CITIZENS FOR ERIC E. VICKERS

A. Full Name, Mailing Address and ZIP Code CAROLE GULLY 7171 DELMAR BLVD. #101 ST. LOUIS, MO 63130	Purpose of Disbursement CAMPAIGN SERVICE Disbursement <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 2/29/00	Amount of Each Disbursement This Period 900.00
B. Full Name, Mailing Address and ZIP Code TRAVEL CENTER 2365 HAMPTON AVE. #214 ST. LOUIS, MO 63139	Purpose of Disbursement TRAVEL (AIR) Disbursement <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 3/3/00	Amount of Each Disbursement This Period 571.50
C. Full Name, Mailing Address and ZIP Code TRAVEL CENTER 2365 HAMPTON AVE. #214 ST. LOUIS, MO 63139	Purpose of Disbursement TRAVEL (AIR) Disbursement <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 3/3/00	Amount of Each Disbursement This Period 480.00
D. Full Name, Mailing Address and ZIP Code MICHAEL PARRAN ST. LOUIS, MO	Purpose of Disbursement CAMPAIGN ORGANIZING SERVICES Disbursement <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 3/7/00	Amount of Each Disbursement This Period 900.00
E. Full Name, Mailing Address and ZIP Code TRAVEL CENTER 2365 HAMPTON AVE. #214 ST. LOUIS, MO 63139	Purpose of Disbursement TRAVEL (AIR) Disbursement <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 3/10/00	Amount of Each Disbursement This Period 385.00
F. Full Name, Mailing Address and ZIP Code VICKERS & ASSOCIATES 7171 DELMAR, SUITE 101 ST. LOUIS, MO 63130	Purpose of Disbursement OFFICE RENT Disbursement <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 3/15/00	Amount of Each Disbursement This Period 2600.00
G. Full Name, Mailing Address and ZIP Code CHRIS OSTELLA ST. LOUIS, MO	Purpose of Disbursement UNSL DEMOGRAPHIC RESEARCH DATA Disbursement <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 3/15/00	Amount of Each Disbursement This Period 60.00
H. Full Name, Mailing Address and ZIP Code CAROLE GULLY 7171 DELMAR BLVD. #101 ST. LOUIS, MO 63130	Purpose of Disbursement CAMPAIGN SERVICES Disbursement <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 3/15/00	Amount of Each Disbursement This Period 800.00
I. Full Name, Mailing Address and ZIP Code NATIONWIDE FLYER DISTRIBUTION ST. LOUIS, MO	Purpose of Disbursement Literature Dist. Disbursement <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 3/15/00	Amount of Each Disbursement This Period 600.00

SUBTOTAL of Disbursements This Page (optional)

7296.50

TOTAL This Period (last page this line number only)



## SCHEDULE B

## ITEMIZED DISBURSEMENTS

Use separate schedule(s)  
for each category of the  
Detailed Summary PagePAGE 12 OF 14  
FOR LINE NUMBER  
17

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## NAME OF COMMITTEE (In Full)

CITIZENS FOR ERIC E. VICKERS

A. Full Name, Mailing Address and ZIP Code SANKOFA BOOKS 5114 NATURAL BRIDGE AVE. ST. LOUIS, MO 63115	Purpose of Disbursement LITERATURE DISTRIBUTION Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 3/21/00	Amount of Each Disbursement This Period 241.00
B. Full Name, Mailing Address and ZIP Code ADS ST. LOUIS, MO	Purpose of Disbursement BOOK DELIVERY Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 3/21/00	Amount of Each Disbursement This Period 41.00
C. Full Name, Mailing Address and ZIP Code ELAINE HAYS ST. LOUIS, MO	Purpose of Disbursement DEMOGRAPHIC INFORMATION Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 3/22/00	Amount of Each Disbursement This Period 282.00
D. Full Name, Mailing Address and ZIP Code DEMOCRATIC PARTY OF MO P.O. BOX 719 JEFFERSON CITY	Purpose of Disbursement FILING FEE FOR CONGRESS Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 3/24/00	Amount of Each Disbursement This Period 100.00
E. Full Name, Mailing Address and ZIP Code URBAN LEAGUE 5370 PERSHING AVE. ST. LOUIS, MO 63112	Purpose of Disbursement DINNER TICKETS Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 3/27/00	Amount of Each Disbursement This Period 70.00
F. Full Name, Mailing Address and ZIP Code WILL CONWAY ST. LOUIS, MO	Purpose of Disbursement CAMPAIGN LITERATURE Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 3/27/00	Amount of Each Disbursement This Period 991.98
G. Full Name, Mailing Address and ZIP Code JENICE WILLIAMS ST. LOUIS, MO	Purpose of Disbursement CAMPAIGN LITERATURE Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 3/27/00	Amount of Each Disbursement This Period 145.60
H. Full Name, Mailing Address and ZIP Code POSTAL SERVICE 561 KINGSLAND AVE. ST. LOUIS, MO 63130	Purpose of Disbursement STAMPS Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 3/27/00	Amount of Each Disbursement This Period 99.00
I. Full Name, Mailing Address and ZIP Code NATIONWIDE FLYER DISTRIBUTION ST. LOUIS, MO	Purpose of Disbursement LITERATURE DISTRIBUTION Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 3/28/00	Amount of Each Disbursement This Period 300.00

SUBTOTAL of Disbursements This Page (optional)

2,270.58

TOTAL This Period (last page this line number only)

**SCHEDULE B**

**ITEMIZED DISBURSEMENTS**

Use separate sheet(s) for each category of the Detailed Summary Page

PAGE 13 OF 14  
FOR LINE NUMBER 17

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NAME OF COMMITTEE (In Full)

**CITIZENS FOR ERIC E. VICKERS**

<b>A. Full Name, Mailing Address and ZIP Code</b> <b>GATEWAY NATIONAL BANK</b> <b>3412 NORTH UNION BLVD.</b> <b>ST. LOUIS, MO 63115</b>	<b>Purpose of Disbursement</b> <b>BANK CHECKING FEES</b> Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	<b>Date (month, day, year)</b> <b>1/31/00</b>	<b>Amount of Each Disbursement This Period</b> <b>10.70</b>
<b>B. Full Name, Mailing Address and ZIP Code</b> <b>GATEWAY NATIONAL BANK</b> <b>3412 NORTH UNION BLVD.</b> <b>ST. LOUIS, MO 63115</b>	<b>Purpose of Disbursement</b> <b>CHECKING FEES</b> Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	<b>Date (month, day, year)</b> <b>2/29/00</b>	<b>Amount of Each Disbursement This Period</b> <b>10.52</b>
<b>C. Full Name, Mailing Address and ZIP Code</b> <b>GATEWAY NATIONAL BANK</b> <b>3412 NORTH UNION BLVD.</b> <b>ST. LOUIS, MO 63115</b>	<b>Purpose of Disbursement</b> <b>CHECKING FEES</b> Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	<b>Date (month, day, year)</b> <b>3/31/00</b>	<b>Amount of Each Disbursement This Period</b> <b>6.24</b>
<b>D. Full Name, Mailing Address and ZIP Code</b>	<b>Purpose of Disbursement</b> Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	<b>Date (month, day, year)</b>	<b>Amount of Each Disbursement This Period</b>
<b>E. Full Name, Mailing Address and ZIP Code</b>	<b>Purpose of Disbursement</b> Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	<b>Date (month, day, year)</b>	<b>Amount of Each Disbursement This Period</b>
<b>F. Full Name, Mailing Address and ZIP Code</b>	<b>Purpose of Disbursement</b> Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	<b>Date (month, day, year)</b>	<b>Amount of Each Disbursement This Period</b>
<b>G. Full Name, Mailing Address and ZIP Code</b>	<b>Purpose of Disbursement</b> Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	<b>Date (month, day, year)</b>	<b>Amount of Each Disbursement This Period</b>
<b>H. Full Name, Mailing Address and ZIP Code</b>	<b>Purpose of Disbursement</b> Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	<b>Date (month, day, year)</b>	<b>Amount of Each Disbursement This Period</b>
<b>I. Full Name, Mailing Address and ZIP Code</b>	<b>Purpose of Disbursement</b> Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	<b>Date (month, day, year)</b>	<b>Amount of Each Disbursement This Period</b>

SUBTOTAL of Disbursements This Page (optional)

27.46

TOTAL This Period (last page this line number only)

9594.54

**SCHEDULE C**  
(Revised 3/88)

**LOANS**

Page 14 of 14  
LINE NUMBER 13(a)  
(Use separate schedule for each numbered line)

Name of Consignor (in full)

**CITIZENS FOR ERK E. VICKERS**

A. Full Name, Mailing Address and ZIP Code of Loan Source

**ERIC VICKERS  
771 DELMAR BLVD., SUITE 101  
ST. LOUIS, MO 63130**

Original Amount  
of Loan

**20,133**

Cumulative Payment  
To Date

**0**

Balance Outstanding  
at Close of This Period

**20,133**

Section: ☒ Primary ☐ General ☐ Other (specify):

Term: Date Incurred **1994**

Date Due **N/A**

Interest Rate **N/A** % (apd)

☐ Secured

List All Endorsers or Guarantors (if any) to Item A

1. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding:  
\$

2. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding:  
\$

3. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding:  
\$

B. Full Name, Mailing Address and ZIP Code of Loan Source

Original Amount  
of Loan

Cumulative Payment  
To Date

Balance Outstanding  
at Close of This Period

Section: ☐ Primary ☐ General ☐ Other (specify):

Term: Date Incurred

Date Due

Interest Rate % (apd)

☐ Secured

List All Endorsers or Guarantors (if any) to Item B

1. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding:  
\$

2. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding:  
\$

3. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding:  
\$

SUBTOTALS This Period This Page (optional)

TOTALS This Period (last page in this line only)

**20,133**

Carry forward balance only to LINE 2, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.

21-04-405-0190

Federal Election Commission

**ENVELOPE REPLACEMENT PAGE  
FOR INCOMING DOCUMENTS**

The Commission has added this page to the end of this filing to indicate how it was received.

☐ Hand Delivered Date of Receipt

☐ First Class Mail POSTMARKED

☒ Registered/Certified Mail POSTMARKED  
4-17-00

☐ No Postmark

☐ Postmark Illegible

☐ Received from the House office of Records and Registration Date of Receipt

☐ Received from the Senate Office of Public Records Date of Receipt

☐ Other ( Specify: Postmarked  
and/or Date of Receipt

☐ Electronic Filing

**V.C** **4-20-00**

PREPARER

DATE PREPARED

21-04-405-0191-1610-504-40-1



## Federal Election Commission

Jump to another section of this site

# Administrative Fine Program

Beginning with the July 15, 2000 quarterly reports, the Commission will implement a new program for assessing civil money penalties for violations involving:

- Failure to file reports on time;
- Failure to file reports at all; and
- Failure to file 48-hour notices.

The Administrative Fine program is based on amendments to the Federal Election Campaign Act (the Act) that permit the FEC to impose civil money penalties, based on schedules of penalties, for violations of reporting requirements that occur between January 1, 2000, and December 31, 2001.

If the Administrative Fine program had been in place for the April 2000 quarterly reports, approximately 90 committees would have faced civil money penalties ranging from \$275 to \$12,000.

- ▶ **How the Administrative Fine Program Works**
- ▶ **The Administrative Fine Regulations**
- ▶ **Reporting Schedules**
- ▶ **Administrative Fine Calculator**



Federal Election Commission | 999 E Street, NW | Washington, DC 20463  
(800) 424-9530 | In Washington (202) 694-1100  
For the hearing impaired, TTY (202) 219-3336

Send comments and suggestions about this site to: [webmaster@fec.gov](mailto:webmaster@fec.gov)  
[FEC Privacy Policy](#) | [Viewing Requirements](#)

**FEDERAL ELECTION COMMISSION STATEMENT**

In a split decision, the United States Court of Appeals for the Tenth Circuit recently held that 2 U.S.C. 441a(d)(3), which limits the amount of a political party's coordinated expenditures in congressional elections, violates the First Amendment. FEC v. Colorado Republican Federal Campaign Committee, \_\_\_ F.3d \_\_\_, 2000 WL 554688 (10<sup>th</sup> Cir. May 5, 2000). The Solicitor General has decided to seek review of that decision by the United States Supreme Court. Until the Supreme Court resolves the case, the Federal Election Commission will not file any action in the courts in the Tenth Circuit to enforce section 441a(d)(3). The Commission will, however, generally continue the administrative processing of matters concerning section 441a(d)(3).

Only the Tenth Circuit has found section 441a(d)(3) unconstitutional, and its decision is not controlling outside that court's geographic jurisdiction. Furthermore, if the United States Supreme Court overrules the Tenth Circuit, the Court's decision upholding section 441a(d)(3) will apply retroactively to any activities in the interim that violate section 441a(d)(3), even in the Tenth Circuit. See James B. Beam Distilling Co. v. Georgia, 501 U.S. 529 (1991); Harper v. Virginia Dep't of Taxation, 509 U.S. 86 (1993). Therefore, anyone who chooses to act in contravention of section 441a(d)(3)—within or without the Tenth Circuit—before the Supreme Court rules in Colorado could be subject to liability for violating the statute if the Colorado decision is reversed.



## FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MS-F

January 21, 2000

Samuel A Ansari, Treasurer  
Citizens For Eric E Vickers  
5815 Pershing Suite 28b  
St Louis, MO 63112

Identification Number: C00294594

Dear Mr. Ansari:

Pursuant to 2 U.S.C. 5433(d)(2) of the Federal Election Campaign Act, and Commission regulations at 11 CFR 102.4, the Commission intends to administratively terminate the reporting obligation of your committee. The treasurer of the committee has 30 days from the day of receipt of this notice to object to this administrative termination. If a written objection is not received by the Commission within 30 days, this action will take effect.

## Please note that:

-The administrative termination of your reporting obligation does not relieve the committee of any legal responsibility for the payment of any outstanding debt or obligation.

-The committee must continue to maintain all records in accordance with 2 U.S.C. 5432(d) which should be available for Commission inspection should the need arise.

-Excess or residual funds held by an authorized committee can only be used in accordance with Commission regulations 11 CFR Part 113.

-Any funds used to defray the remaining debts and obligations of the committee must comport with the limitations and prohibitions of the Federal Election Campaign Act of 1971, as amended, and the Commission's regulations.

-Any funds used to defray the remaining debts and obligations of the committee must comport with the personal use restrictions under 11 C.F.R. Part 113.

-Any receipt or disbursement of funds by the committee or by another committee authorized by the candidate for the purpose of influencing a federal election or supporting a federal candidate will void the administrative termination. In such an event, the committee will be required to begin filing reports with the appropriate office. The first such report will include any activity since the date of the last report filed by the committee.

If you should have any questions, please call Craig Crooks, Deputy Assistant Staff Director for the Reports Analysis Division, on (202) 694-1130 or toll free on 1800: 434-9530.

Sincerely,

John D. Gibson  
Assistant Staff Director  
Reports Analysis Division

## SCHEDULE B

## ITEMIZED DISBURSEMENTS

Use separate schedule(s)  
for each category of the  
Detailed Summary PagePAGE 11 OF 14  
FOR LINE NUMBER  
17

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NAME OF COMMITTEE (in Full)

CITIZENS FOR ERIC E. VICKERS

A. Full Name, Mailing Address and ZIP Code CAROLE GULLY 7171 DELMAR BLVD. #101 ST. LOUIS, MO 63130	Purpose of Disbursement CAMPAIGN SERVICE Disbursement <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 2/29/00	Amount of Each Disbursement This Period 900.00
B. Full Name, Mailing Address and ZIP Code TRAVEL CENTER 2365 HAMPTON AVE. #214 ST. LOUIS, MO 63139	Purpose of Disbursement TRAVEL (AIR) Disbursement <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 3/3/00	Amount of Each Disbursement This Period 571.50
C. Full Name, Mailing Address and ZIP Code TRAVEL CENTER 2365 HAMPTON AVE. #214 ST. LOUIS, MO 63139	Purpose of Disbursement TRAVEL (AIR) Disbursement <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 3/3/00	Amount of Each Disbursement This Period 480.00
D. Full Name, Mailing Address and ZIP Code MICHAEL PARRAN ST. LOUIS, MO	Purpose of Disbursement CAMPAIGN ORGANIZING SERVICES Disbursement <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 3/7/00	Amount of Each Disbursement This Period 900.00
E. Full Name, Mailing Address and ZIP Code TRAVEL CENTER 2365 HAMPTON AVE. #214 ST. LOUIS, MO 63139	Purpose of Disbursement TRAVEL (AIR) Disbursement <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 3/10/00	Amount of Each Disbursement This Period 385.00
F. Full Name, Mailing Address and ZIP Code VICKERS & ASSOCIATES 7171 DELMAR, SUITE 101 ST. LOUIS, MO 63130	Purpose of Disbursement OFFICE RENT Disbursement <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 3/15/00	Amount of Each Disbursement This Period 2600.00
G. Full Name, Mailing Address and ZIP Code CHRIS OSTELLA ST. LOUIS, MO	Purpose of Disbursement UNSL DEMOGRAPHIC RESEARCH DATA Disbursement <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 3/15/00	Amount of Each Disbursement This Period 60.00
H. Full Name, Mailing Address and ZIP Code CAROLE GULLY 7171 DELMAR BLVD. #101 ST. LOUIS, MO 63130	Purpose of Disbursement CAMPAIGN SERVICE Disbursement <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 3/15/00	Amount of Each Disbursement This Period 800.00
I. Full Name, Mailing Address and ZIP Code NATIONWIDE FLYER DISTRIBUTION ST. LOUIS, MO	Purpose of Disbursement Literature Dist. Disbursement <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 3/15/00	Amount of Each Disbursement This Period 600.00

SUBTOTAL of Disbursements This Page (optional)

7296.50

TOTAL This Period (last page this line number only)

TELETYPE

5610-504-40-12



FILED IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS  
STATE OF MISSOURI

7171 DELMAR L.L.C.

Plaintiff(s),

vs.

ERIC VICKERS d/b/a  
VICKERS AND ASSOCIATES,

Serve Or Post At: 7171 Delmar Blvd. # 101  
63130

Defendant(s).

Cause No. 00AC-

Division: 31 H

00AC-009601 G

**PETITION FOR RENT AND POSSESSION**

Comes now the Plaintiff, by its agent, who first being duly sworn, states as follows:

1. That the Defendant(s) rent(s) and occupy(ies), as tenant(s) of Plaintiff the following described premises, situated in said County, to wit:

7171 Delmar Blvd. #101 63130

2. That said premises are rented to the Defendant(s) by the month, payable monthly in advance, on the first, at the rate of \$1830.00 per month.

3. That rent is now due in the sum of \$5490.00 from 3-1-00 to 5-31-00 and that demand for payment has been made upon the Defendant(s), and payment has not been made.

4. Pursuant to the terms of the lease between the parties, Defendant is obligated to pay late charges for late payment of rent as well as attorney fees.

5. That to the best of my knowledge, information and belief, the Defendant(s) is/are (a) civilian(s).

WHEREFORE, Plaintiff prays judgment for rent in the sum of \$5490.00, plus rent, late charges, and attorney fees to date of judgment; and restitution of the premises and costs.

RITTER & GUSDORF, L.C.

By:

ROBERT T. RITTER #33719

Attorney for Plaintiff

225 S. Meramec, Ste. 1220

Clayton, Missouri 63105

(314) 721-3230 (314) 721-4113 Fax

SUBSCRIBED AND SWORN to before me, a Notary Public, this 11<sup>th</sup> day of May 2000.

Notary

Term Expires:

T42

5/18/00

# IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

171 DELMAR

PLAINTIFF

VS

VICKERS, ERIC

DEFENDANT

00AC-009601 G-GV

CASE NUMBER

DIVISION: 31

COURT DATE: 06/15/2000

TIME: 09:00A

DAY: THURSDAY

## SUMMONS LANDLORD TENANT ACTIONS

THE STATE OF MISSOURI TO: DEFENDANT (1)

ERIC VICKERS  
DBA - VICKERS AND ASSOCIATES  
7171 DELMAR 101  
ST LOUIS MO 63130

THE PLAINTIFF(S) HAS FILED AN AFFIDAVIT IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI, THE COUNTY HAVING JURISDICTION WHERE THE PROPERTY IS SITUATED, COMPLAINING THAT YOU OCCUPY AND RENT AS A TENANT OF PLAINTIFF(S). RENT OR LEASE OF SAID PREMISES IS NOW DUE AND HAS BEEN DEMANDED AND PAYMENT HAS NOT BEEN MADE, AND THAT FURTHER RENT IS ACCRUING WHILE THIS ACTION IS PENDING. YOU ARE SUMMONED TO APPEAR IN THE ABOVE NAMED DIVISION OF THE CIRCUIT COURT, COURTS BUILDING, 7900 CARONDELET AVENUE, CLAYTON, MISSOURI, 63105 ON THE DATE AND TIME STATED ABOVE, TO SHOW CAUSE, WHY THE POSSESSION OF SAID PREMISES SHOULD NOT BE RESTORED TO THE SAID PLAINTIFF(S) AND WHY A JUDGMENT SHOULD NOT BE ENTERED AGAINST YOU FOR RENT AND COSTS. YOU ARE HEREBY NOTIFIED THAT IF YOU FAIL TO APPEAR AND ANSWER AT THE TIME AND PLACE STATED IN THIS SUMMONS, JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU OR THE RELIEF DEMANDED IN THIS COMPLAINT. IF YOU HAVE NEEDS ADDRESSED BY ADA, NOTIFY THE CIRCUIT CLERK'S OFFICE AT LEAST THREE BUSINESS DAYS IN ADVANCE OF THE COURT PROCEEDING AT 314/615-8029, FAX 314/615-2689 OR TTY 314/615-4567.

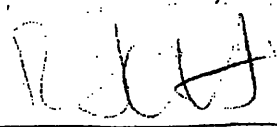
DATE ISSUED: MAY 25, 2000

ATTORNEY:

ROBERT THORNTON RITTER  
SUITE 1220  
225 S MERAMEC AVE  
CLAYTON MO 63105  
(314) 721-3230



JOAN M. GILMER, Circuit Clerk

By   
Deputy Clerk

(UJ)


## Title 11--Federal Elections

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### CHAPTER I--FEDERAL ELECTION COMMISSION

#### PART 102--REGISTRATION, ORGANIZATION, AND RECORDKEEPING BY POLITICAL COMMITTEES (2 U.S.C. 433)

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-   102.1 Registration of political committees (2 U.S.C. 433(a)).
  -   102.2 Statement of organization: Forms and committee identification number (2 U.S.C. 433 (b), (c)).
  -   102.3 Termination of registration (2 U.S.C. 433(d)(1)).
  -   102.4 Administrative termination (2 U.S.C. 433(d)(2)).
  -   102.5 Organizations financing political activity in connection with Federal and non-Federal elections, other than through transfers and joint fundraisers.
  -   102.6 Transfers of funds; collecting agents.
  -   102.7 Organization of political committees (2 U.S.C. 432(a)).
  -   102.8 Receipt of contributions (2 U.S.C. 432(b)).
  -   102.9 Accounting for contributions and expenditures (2 U.S.C. 432(c)).
  -   102.10 Disbursement by check (2 U.S.C. 432(h)(1)).
  -   102.11 Petty cash fund (2 U.S.C. 432(h)(2)).
  -   102.12 Designation of principal campaign committee (2 U.S.C. 432(e) (1) and (3)).
  -   102.13 Authorization of political committees (2 U.S.C. 432(e) (1) and (3)).
  -   102.14 Names of political committees (2 U.S.C. 432(e) (4) and (5)).
  -   102.15 Commingled funds (2 U.S.C. 432(a)(3)).
  -   102.16 Notice: Solicitation of contributions (2 U.S.C. 441d).
  -   102.17 Joint fundraising by committees other than separate segregated funds.
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## Title 11--Federal Elections

### CHAPTER I--FEDERAL ELECTION COMMISSION

#### *Part*

- 1      Privacy Act
- 2      Sunshine regulations; meetings
- 4      Public records and the Freedom of Information Act
- 5      Access to Public Disclosure Division documents
- 6      Enforcement of nondiscrimination on the basis of handicap in programs or activities conducted by the Federal Election Commission
- 7      Standards of conduct
- 8      National Voter Registration Act (42 U.S.C. 1973gg-1 et seq.)
- 100    Scope and definitions (2 U.S.C. 431)
- 101    Candidate status and designations (2 U.S.C. 432(e))
- 102    Registration, organization, and recordkeeping by political committees (2 U.S.C. 433)
- 103    Campaign depositories (2 U.S.C. 432(h))
- 104    Reports by political committees (2 U.S.C. 434)
- 105    Document filing (2 U.S.C. 432(g))
- 106    Allocations of candidate and committee activities
- 107    Presidential nominating convention, registration and reports
- 108    Filing copies of reports and statements with State officers (2 U.S.C. 439)
- 109    Independent expenditures (2 U.S.C. 431(17), 434(c))
- 110    Contribution and expenditure limitations and prohibitions
- 111    Compliance procedure (2 U.S.C. 437g, 437d(a))
- 112    Advisory opinions (2 U.S.C. 437f)
- 113    Excess campaign funds and funds donated to support Federal officeholder activities (2 U.S.C. 439a)
- 114    Corporate and labor organization activity
- 115    Federal contractors
- 116    Debts owed by candidates and political committees
- 200    Petitions for rulemaking
- 201    Ex parte communications
- 9001    Scope
- 9002    Definitions
- 9003    Eligibility for payments
- 9004    Entitlement of eligible candidates to payments; use of payments
- 9005    Certification by Commission
- 9006    Reports and recordkeeping
- 9007    Examinations and audits; Repayments
- 9008    Federal Financing of Presidential nominating conventions
- 9009-9011    [Reserved]

<u>9012</u>	<u>Unauthorized expenditures and contributions</u>
<u>9031</u>	<u>Scope</u>
<u>9032</u>	<u>Definitions</u>
<u>9033</u>	<u>Eligibility for payments</u>
<u>9034</u>	<u>Entitlements</u>
<u>9035</u>	<u>Expenditure limitations</u>
<u>9036</u>	<u>Review of matching fund submissions and certification of payments by Commission</u>
<u>9037</u>	<u>Payments and reporting</u>
<u>9038</u>	<u>Examination and audits</u>
<u>9039</u>	<u>Review and investigation authority</u>

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[Code of Federal Regulations]  
[Title 11, Volume 1, All Parts]  
[Revised as of January 1, 2000]  
From the U.S. Government Printing Office via GPO Access  
[CITE: 11CFR106.1]

[Page 102-103]

## TITLE 11--FEDERAL ELECTIONS

### CHAPTER I--FEDERAL ELECTION COMMISSION

#### PART 106--ALLOCATIONS OF CANDIDATE AND COMMITTEE ACTIVITIES--Table of Contents

##### Sec. 106.1 Allocation of expenses between candidates.

(a) General rule. (1) Expenditures, including in-kind contributions, independent expenditures, and coordinated expenditures made on behalf of more than one clearly identified federal candidate shall be attributed to each such candidate according to the benefit reasonably expected to be derived. For example, in the case of a publication or broadcast communication, the attribution shall be determined by the proportion of space or time devoted to each candidate as compared to the total space or time devoted to all candidates. In the case of a fundraising program or event where funds are collected by one committee for more than one clearly identified candidate, the

[[Page 103]]

attribution shall be determined by the proportion of funds received by each candidate as compared to the total receipts by all candidates. These methods shall also be used to allocate payments involving both expenditures on behalf of one or more clearly identified federal candidates and disbursements on behalf of one or more clearly identified non-federal candidates.

(2) An expenditure made on behalf of more than one clearly identified federal candidate shall be reported pursuant to 11 CFR 104.10(a). A payment that also includes amounts attributable to one or more non-federal candidates, and that is made by a political committee with separate federal and non-federal accounts, shall be made according to the procedures set forth in 11 CFR 106.5(g) or 106.6(e), as appropriate, but shall be reported pursuant to 11 CFR 104.10(a).

(b) An authorized expenditure made by a candidate or political committee on behalf of another candidate shall be reported as a contribution in-kind (transfer) to the candidate on whose behalf the expenditure was made, except that expenditures made by party committees pursuant to Sec. 110.7 need only be reported as an expenditure.

##### (c) Exceptions:

(1) Expenditures for rent, personnel, overhead, general administrative, fund-raising, and other day-to-day costs of political committees need not be attributed to individual candidates, unless these expenditures are made on behalf of a clearly identified candidate and the expenditure can be directly attributed to that candidate.

(2) Expenditures for educational campaign seminars, for training of campaign workers, and for registration or get-out-the-vote drives of committees need not be attributed to individual candidates unless these expenditures are made on behalf of a clearly identified candidate, and the expenditure can be directly attributed to that candidate.

(3) Payments made for the cost of certain voter registration and get-out-the-vote activities conducted by State or local party organizations on behalf of any Presidential or Vice-Presidential candidate(s) are exempt from the definition of a contribution or an

expenditure under 11 CFR 100.7(b)(17) and 100.8(b)(18). If the State or local party organization includes references to any candidate(s) seeking nomination or election to the House of Representatives or Senate of the United States the portion of the cost of such activities allocable to such candidate(s) shall be considered a contribution to or an expenditure on behalf of such candidate(s), unless such reference is incidental to the overall activity. If such reference is incidental to the overall activity, such costs shall not be considered a contribution to or expenditure on behalf of any candidate(s).

(d) For purposes of this section, clearly identified shall have the same meaning as set forth at 11 CFR 100.17.

(e) Party committees, separate segregated funds, and nonconnected committees that make disbursements for administrative expenses, fundraising, exempt activities, or generic voter drives in connection with both federal and non-federal elections shall allocate their expenses in accordance with Sec. 106.5 or Sec. 106.6, as appropriate.

(2 U.S.C. 438(a)(8))

[41 FR 35944, Aug. 25, 1976, as amended at 45 FR 15117, Mar. 7, 1980; 45 FR 21209, Apr. 1, 1980; 55 FR 26069, June 26, 1990; 60 FR 35305, July 6, 1995]

[Code of Federal Regulations]  
[Title 11, Volume 1, All Parts]  
[Revised as of January 1, 2000]  
From the U.S. Government Printing Office via GPO Access  
[CITE: 11CFR101.2]

[Page 67]

TITLE 11--FEDERAL ELECTIONS

CHAPTER I--FEDERAL ELECTION COMMISSION

PART 101--CANDIDATE STATUS AND DESIGNATIONS (2 U.S.C. 432(e))--Table of Contents

Sec. 101.2 Candidate as agent of authorized committee (2 U.S.C. 432(e)(2)).

(a) Any candidate who receives a contribution as defined at 11 CFR 100.7, obtains any loan, or makes any disbursement, in connection with his or her campaign shall be considered as having received such contribution, obtained such loan or made such disbursement as an agent of his or her authorized committee(s).

(b) When an individual becomes a candidate, any funds received, loans obtained, or disbursements made prior to becoming a candidate in connection with his or her campaign shall be deemed to have been received, obtained or made as an agent of his or her authorized committee(s).

[45 FR 15103, Mar. 7, 1980]



[Code of Federal Regulations]  
[Title 11, Volume 1, All Parts]  
[Revised as of January 1, 2000]  
From the U.S. Government Printing Office via GPO Access  
[CITE: 11CFR103.3]

[Page 81-82]

## TITLE 11--FEDERAL ELECTIONS

### CHAPTER I--FEDERAL ELECTION COMMISSION

#### PART 103--CAMPAIGN DEPOSITORIES (2 U.S.C. 432(h))--Table of Contents

##### Sec. 103.3 Deposit of receipts and disbursements (2 U.S.C. 432(h)(1)).

(a) All receipts by a political committee shall be deposited in account(s) established pursuant to 11 CFR 103.2, except that any contribution may be, within 10 days of the treasurer's receipt, returned to the contributor without being deposited. The treasurer of the committee shall be responsible for making such deposits. All deposits shall be made within 10 days of the treasurer's receipt. A committee shall make all disbursements by check or similar drafts drawn on an account at its designated campaign depository, except for expenditures of \$100 or less made from a petty cash fund maintained pursuant to 11 CFR 102.11. Funds may be transferred from the depository for investment purposes, but shall be returned to the depository before such funds are used to make expenditures.

(b) The treasurer shall be responsible for examining all contributions received for evidence of illegality and for ascertaining whether contributions received, when aggregated with other contributions from the same contributor, exceed the contribution limitations of 11 CFR 110.1 or 110.2.

(1) Contributions that present genuine questions as to whether they were made by corporations, labor organizations, foreign nationals, or Federal contractors may be, within ten days of the treasurer's receipt, either deposited into a campaign depository under 11 CFR 103.3(a) or returned to the contributor. If any such contribution is deposited, the treasurer shall make his or her best efforts to determine the legality of the contribution. The treasurer shall make at least one written or oral request for evidence of the legality of the contribution. Such evidence includes, but is not limited to, a written statement from the contributor explaining why the contribution is legal, or a written statement by the treasurer memorializing an oral communication explaining why the contribution is legal. If the contribution cannot be determined to be legal, the treasurer shall, within thirty days of the treasurer's receipt of the contribution, refund the contribution to the contributor.

(2) If the treasurer in exercising his or her responsibilities under 11 CFR 103.3(b) determined that at the time a contribution was received and deposited, it did not appear to be made by a corporation, labor organization, foreign national or Federal contractor, or made in the name of another, but later discovers that it is illegal based on new evidence not available to the political committee at the time of receipt and deposit, the treasurer shall refund the contribution to the contributor within thirty days of the date on which the illegality is discovered. If the political committee does not have sufficient funds to refund the contribution at the time the illegality is discovered, the

[[Page 82]]

political committee shall make the refund from the next funds it

receives.

(3) Contributions which on their face exceed the contribution limitations set forth in 11 CFR 110.1 or 110.2, and contributions which do not appear to be excessive on their face, but which exceed the contribution limits set forth in 11 CFR 110.1 or 110.2 when aggregated with other contributions from the same contributor, and contributions which cannot be accepted under the net debts outstanding provisions of 11 CFR 110.1(b) (3) and 110.2(b) (3) may be either deposited into a campaign depository under 11 CFR 103.3(a) or returned to the contributor. If any such contribution is deposited, the treasurer may request redesignation or reattribution of the contribution by the contributor in accordance with 11 CFR 110.1(b), 110.1(k) or 110.2(b), as appropriate. If a redesignation or reattribution is not obtained, the treasurer shall, within sixty days of the treasurer's receipt of the contribution, refund the contribution to the contributor.

(4) Any contribution which appears to be illegal under 11 CFR 103.3(b) (1) or (3), and which is deposited into a campaign depository shall not be used for any disbursements by the political committee until the contribution has been determined to be legal. The political committee must either establish a separate account in a campaign depository for such contributions or maintain sufficient funds to make all such refunds.

(5) If a contribution which appears to be illegal under 11 CFR 103.3(b) (1) or (3) is deposited in a campaign depository, the treasurer shall make and retain a written record noting the basis for the appearance of illegality. A statement noting that the legality of the contribution is in question shall be included in the report noting the receipt of the contribution. If a contribution is refunded to the contributor because it cannot be determined to be legal, the treasurer shall note the refund on the report covering the reporting period in which the refund is made.

[52 FR 774, Jan. 9, 1987]

[Code of Federal Regulations]  
[Title 11, Volume 1, All Parts]  
[Revised as of January 1, 2000]  
From the U.S. Government Printing Office via GPO Access  
[CITE: 11CFR103.1]

[Page 81]

TITLE 11--FEDERAL ELECTIONS

CHAPTER I--FEDERAL ELECTION COMMISSION

PART 103--CAMPAIGN DEPOSITORIES (2 U.S.C. 432(h))--Table of Contents

Sec. 103.1 Notification of the commission.

Each committee shall notify the Commission of the campaign depository(ies) it has designated, pursuant to 11 CFR 101.1 and 103.2.

[Code of Federal Regulations]  
[Title 11, Volume 1, All Parts]  
[Revised as of January 1, 2000]  
From the U.S. Government Printing Office via GPO Access  
[CITE: 11CFR106.2]

[Page 103-106]

## TITLE 11--FEDERAL ELECTIONS

### CHAPTER I--FEDERAL ELECTION COMMISSION

#### PART 106--ALLOCATIONS OF CANDIDATE AND COMMITTEE ACTIVITIES--Table of Contents

##### Sec. 106.2 State allocation of expenditures incurred by authorized committees of Pr

(a) General--(1) This section applies to Presidential primary candidates receiving or expecting to receive federal matching funds pursuant to 11 CFR parts 9031 et seq. The expenditures described in 11 CFR 106.2(b)(2) shall be allocated to a particular State if incurred by a candidate's authorized committee(s) for the purpose of influencing the nomination of that candidate for the office of President with respect to that State. An expenditure shall not necessarily be allocated to the State in which the expenditure is incurred or paid. In the event that the Commission disputes the candidate's allocation or claim of exemption for a particular expense, the candidate shall demonstrate, with supporting documentation, that his or her proposed

[[Page 104]]

method of allocation or claim of exemption was reasonable. Expenditures required to be allocated to the primary election under 11 CFR 9034.4(e) shall also be allocated to particular states in accordance with this section.

(2) Disbursements made prior to the time an individual becomes a candidate for the purpose of determining whether that individual should become a candidate pursuant to 11 CFR 100.7(b)(1) and 100.8(b)(1), i.e., payments for testing the waters, shall be allocable expenditures under this section if the individual becomes a candidate.

(b) Method of allocating expenditures among States--(1) General allocation method. Unless otherwise specified under 11 CFR 106.2(b)(2), an expenditure described in 11 CFR 106.2(b)(2) and incurred by a candidate's authorized committee(s) for the purpose of influencing the nomination of that candidate in more than one State shall be allocated to each State on a reasonable and uniformly applied basis. The total amount allocated to a particular State may be reduced by the amount of exempt fundraising expenses for that State, as specified in 11 CFR 110.8(c)(2).

(2) Specific allocation methods. Expenditures that fall within the categories listed below shall be allocated based on the following methods. The method used to allocate a category of expenditures shall be based on consistent data for each State to which an allocation is made.

(i) Media expenditures--(A) Print media. Except for expenditures exempted under 11 CFR 106.2(b)(2)(i)(E) and (F), allocation of expenditures for the publication and distribution of newspaper, magazine and other types of printed advertisements distributed in more than one State shall be made using relative circulation percentages in each State or an estimate thereof. For purposes of this section, allocation to a particular State will not be required if less than 3% of the total estimated readership of the publication is in that State.

(B) Broadcast media. Except for expenditures exempted under 11 CFR 106.2(b)(2)(i)(E) and (F), expenditures for radio, television and

similar types of advertisements purchased in a particular media market that covers more than one State shall be allocated to each State in proportion to the estimated audience. This allocation of expenditures, shall be made using industry market data. If industry market data is not available, the committee shall obtain market data from the media carrier transmitting the advertisement(s).

(C) Refunds for media expenditures. Refunds for broadcast time or advertisement space, purchased but not used, shall be credited to the States on the same basis as the original allocation.

(D) Limits on allocation of media expenditures. No allocation of media expenditures shall be made to any State in which the primary election has already been held.

(E) National advertising. Expenditures incurred for advertisements on national networks, national cable or in publications distributed nationwide need not be allocated to any State.

(F) Media production costs. Expenditures incurred for production of media advertising, whether or not that advertising is used in more than one State, need not be allocated to any State.

(G) Commissions. Expenditures for commissions, fees and other compensation for the purchase of broadcast or print media need not be allocated to any State.

(ii) Expenditures for mass mailings and other campaign materials. Expenditures for mass mailings of more than 500 pieces to addresses in the same State, and expenditures for shipping campaign materials to a State, including pins, bumperstickers, handbills, brochures, posters and yardsigns, shall be allocated to that State. For purposes of this section, mass mailing includes newsletters and other materials in which the content of the materials is substantially identical. Records supporting the committee's allocations under this section shall include: For each mass mailing, documentation showing the total number of pieces mailed and the number mailed to each state or zip code; and, for other campaign materials acquired for use outside the State of purchase, records relating to any shipping costs incurred for transporting these items to each State.

[[Page 105]]

(iii) Overhead expenditures--(A) Overhead expenditures of State offices and other facilities. Except for expenditures exempted under 11 CFR 106.2(b)(2)(iii)(C), overhead expenditures of committee offices whose activities are directed at a particular State, and the costs of other facilities used for office functions and campaign events, shall be allocated to that State. An amount that does not exceed 10% of office overhead expenditures for a particular State may be treated as exempt compliance expenses, and may be excluded from allocation to that State.

(B) Overhead expenditures of regional offices. Except for expenditures exempted under 11 CFR 106.2(b)(2)(iii)(C), overhead expenditures of a committee regional office or any committee office with responsibilities in two or more States shall be allocated to the State holding the next primary election, caucus or convention in the region. The committee shall maintain records to demonstrate that an office operated on a regional basis. These records should show, for example, the kinds of programs conducted from the office, the number and nature of contacts with other States in the region, and the amount of time devoted to regional programs by staff working in the regional office.

(C) Overhead expenditures of national campaign headquarters. Expenditures incurred for administrative, staff, and overhead expenditures of the national campaign headquarters need not be allocated to any State, except as provided in paragraph (b)(2)(iv) of this section.

(D) Definition of overhead expenditures. For purposes of 11 CFR 106.2(b)(2)(iii), overhead expenditures include, but are not limited to,

rent, utilities, equipment, furniture, supplies, and telephone service base charges. "Telephone service base charges" include any regular monthly charges for committee phone service, and charges for phone installation and intrastate phone calls other than charges related to a special program under 11 CFR 106.2(b)(2)(iv). Inter-state calls are not included in "telephone service base charges." Overhead expenditures also include the costs of temporary offices established while the candidate is traveling in the State or in the final weeks before the primary election, as well as expenses paid by campaign staff and subsequently reimbursed by the committee, such as miscellaneous supplies, copying, printing and telephone expenses. See 11 CFR 116.5.

(iv) Expenditures for special telephone programs. Expenditures for special telephone programs targeted at a particular State, including the costs of designing and operating the program, the costs of installing or renting telephone lines and equipment, toll charges, personnel costs, consultants' fees, related travel costs, and rental of office space, including a pro rata portion of national, regional or State office space used for such purposes, shall be allocated to that State based on the percentage of telephone calls made to that State. Special telephone programs include voter registration, get out the vote efforts, fundraising, and telemarketing efforts conducted on behalf of the candidate. A special telephone program is targeted at a particular State if 10% or more of the total telephone calls made each month are made to that State. Records supporting the committee's allocation of each special telephone program under this section shall include either the telephone bills showing the total number of calls made in that program and the number made to each State; or, a copy of the list used to make the calls, from which these numbers can be determined.

(v) Public opinion poll expenditures. Expenditures incurred for the taking of a public opinion poll covering only one State shall be allocated to that State. Except for expenditures incurred in conducting a public opinion poll on a nationwide basis, expenditures incurred for the taking of a public opinion poll covering two or more States shall be allocated to those States based on the number of people interviewed in each State. Expenditures incurred for the taking of a public opinion poll include consultant's fees, travel costs and other expenses associated with designing and conducting the poll. Records supporting the committee's allocation under this section shall include documentation showing the total number of people contacted for each

[[Page 106]]

poll and the number contacted in each State.

(3) National consulting fees. Expenditures for consultants' fees need not be allocated to any State if the fees are charged for consulting on national campaign strategy. Expenditures for consultants' fees charged for conducting special telephone programs and public opinion polls shall be allocated in accordance with paragraphs (b)(2)(iv) and (v) of this section.

(c) Reporting. All expenditures allocated under this section shall be reported on FEC Form 3P, page 3.

(d) Recordkeeping. All assumptions and supporting calculations for allocations made under this section shall be documented and retained for Commission inspection. In addition to the records specified in paragraph (b) of this section, the treasurer shall retain records supporting the committee's allocations of expenditures to particular States and claims of exemption from allocation under this section. If the records supporting the allocation or claim of exemption are not retained, the expenditure shall be considered allocable and shall be allocated to the State holding the next primary election, caucus or convention after the expenditure is incurred.

[56 FR 35909, July 29, 1991, as amended at 60 FR 31872, June 16, 1995]

21-04-405-0210  
0120-504-40-12

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[Page 108-112]

## TITLE 11--FEDERAL ELECTIONS

### CHAPTER I--FEDERAL ELECTION COMMISSION

#### PART 106--ALLOCATIONS OF CANDIDATE AND COMMITTEE ACTIVITIES--Table of Contents

##### Sec. 106.5 Allocation of expenses between federal and non-federal activities by par

(a) General rules. (1) Party committees that make disbursements in connection with federal and non-federal elections shall make those disbursements entirely from funds subject to the prohibitions and limitations of the Act, or from accounts established pursuant to 11 CFR 102.5. Political committees that have established separate federal and non-federal accounts under 11 CFR 102.5(a)(1)(i) shall allocate expenses between those accounts according to this section. Organizations that are not political committees but have established separate federal and non-federal accounts under 11 CFR 102.5(b)(1)(i), or that make federal and non-federal disbursements from a single account under 11 CFR 102.5(b)(1)(ii) shall also allocate their federal and non-federal expenses according to this section. This section covers (i) general rules regarding allocation of federal and non-federal expenses by party committees, (ii) percentages to be allocated for administrative expenses and costs of generic voter drives by national party committees, (iii) methods for allocation of administrative expenses, costs of generic voter drives, and exempt activities by state and local party committees, and of fundraising costs by all party committees, and (iv) procedures for payment of allocable expenses. Requirements for reporting of allocated disbursements are set forth in 11 CFR 104.10.

(2) Costs to be allocated. Committees that make disbursements in connection with federal and non-federal elections shall allocate expenses according to this section for the following categories of activity:

(i) Administrative expenses including rent, utilities, office supplies, and salaries, except for such expenses directly attributable to a clearly identified candidate;

(ii) The direct costs of a fundraising program or event including disbursements for solicitation of funds and for planning and administration of actual fundraising events, where federal and non-federal funds are collected by one committee through such program or event;

(iii) State and local party activities exempt from the definitions of contribution and expenditure under 11 CFR 100.7(b)(9), (15) or (17), and 100.8(b)(10), (16) or (18) (exempt activities) including the production and distribution of slate cards and sample ballots, campaign materials distributed by volunteers, and voter registration and get-out-the-vote drives on behalf of the party's presidential and vice-presidential nominees, where such activities are conducted in conjunction with non-federal election activities; and

(iv) Generic voter drives including voter identification, voter registration, and get-out-the-vote drives, or any other activities that urge the general public to register, vote or support candidates of a particular party or associated with a particular issue, without mentioning a specific candidate.

(b) National party committees other than Senate or House campaign



committees; fixed percentages for allocating administrative expenses and costs of generic voter drives--(1) General rule. Each national party committee other than a Senate or House campaign committee shall allocate a fixed percentage of its administrative expenses and costs of generic voter drives, as described in paragraph (a)(2) of this section, to its federal and non-federal account(s) each

[[Page 109]]

year. These percentages shall differ according to whether or not the allocable expenses were incurred in a presidential election year. Such committees shall allocate the costs of each combined federal and non-federal fundraising program or event according to paragraph (f) of this section, with no fixed percentages required.

(2) Fixed percentages according to type of election year. National party committees other than the Senate or House campaign committees shall allocate their administrative expenses and costs of generic voter drives according to paragraphs (b)(2)(i) and (ii) as follows:

(i) Presidential election years. In presidential election years, national party committees other than the Senate or House campaign committees shall allocate to their federal accounts at least 65% each of their administrative expenses and costs of generic voter drives.

(ii) Non-presidential election years. In all years other than presidential election years, national party committees other than the Senate or House campaign committees shall allocate to their federal accounts at least 60% each of their administrative expenses and costs of generic voter drives.

(c) Senate and House campaign committees of a national party; method and minimum federal percentage for allocating administrative expenses and costs of generic voter drives--(1) Method for allocating administrative expenses and costs of generic voter drives. Subject to the minimum percentage set forth in paragraph (c)(2) of this section, each Senate or House campaign committee of a national party shall allocate its administrative expenses and costs of generic voter drives, as described in paragraph (a)(2) of this section, according to the funds expended method, described in paragraphs (c)(1)(i) and (ii) as follows:

(i) Under this method, expenses shall be allocated based on the ratio of federal expenditures to total federal and non-federal disbursements made by the committee during the two-year federal election cycle. This ratio shall be estimated and reported at the beginning of each federal election cycle, based upon the committee's federal and non-federal disbursements in a prior comparable federal election cycle or upon the committee's reasonable prediction of its disbursements for the coming two years. In calculating its federal expenditures, the committee shall include only amounts contributed to or otherwise spent on behalf of specific federal candidates. Calculation of total federal and non-federal disbursements shall also be limited to disbursements for specific candidates, and shall not include overhead or other generic costs.

(ii) On each of its periodic reports, the committee shall adjust its allocation ratio to reconcile it with the ratio of actual federal and non-federal disbursements made, to date. If the non-federal account has paid more than its allocable share, the committee shall transfer funds from its federal to its non-federal account, as necessary, to reflect the adjusted allocation ratio. The committee shall make note of any such adjustments and transfers on its periodic reports, submitted pursuant to 11 CFR 104.5.

(2) Minimum federal percentage for administrative expenses and costs of generic voter drives. Regardless of the allocation ratio calculated under paragraph (c)(1) of this section, each Senate or House campaign committee of a national party shall allocate to its federal account at least 65% each of its administrative expenses and costs of generic voter drives each year. If the committee's own allocation calculation under

paragraph (c) (1) of this section yields a federal share greater than 65%, then the higher percentage shall be applied. If such calculation yields a federal share lower than 65%, then the committee shall report its calculated ratio according to 11 CFR 104.10(b), and shall apply the required minimum federal percentage.

(3) Allocation of fundraising costs. Senate and House campaign committees shall allocate the costs of each combined federal and non-federal fundraising program or event according to paragraph (f) of this section, with no minimum percentages required.

(d) State and local party committees; method for allocating administrative expenses and costs of generic voter drives--(1) General rule. All state and local party committees except those covered by paragraph (d) (2) of this section shall

[[Page 110]]

allocate their administrative expenses and costs of generic voter drives, as described in paragraph (a) (2) of this section, according to the ballot composition method, described in paragraphs (d) (1) (i) and (ii) as follows:

(i) Under this method, expenses shall be allocated based on the ratio of federal offices expected on the ballot to total federal and non-federal offices expected on the ballot in the next general election to be held in the committee's state or geographic area. This ratio shall be determined by the number of categories of federal offices on the ballot and the number of categories of non-federal offices on the ballot, as described in paragraph (d) (1) (ii) of this section.

(ii) In calculating a ballot composition ratio, a state or local party committee shall count the federal offices of President, United States Senator, and United States Representative, if expected on the ballot in the next general election, as one federal office each. The committee shall count the non-federal offices of Governor, State Senator, and State Representative, if expected on the ballot in the next general election, as one non-federal office each. The committee shall count the total of all other partisan statewide executive candidates, if expected on the ballot in the next general election, as a maximum of two non-federal offices. State party committees shall also include in the ratio one additional non-federal office if any partisan local candidates are expected on the ballot in any regularly scheduled election during the two-year congressional election cycle. Local party committees shall also include in the ratio a maximum of two additional non-federal offices if any partisan local candidates are expected on the ballot in any regularly scheduled election during the two-year congressional election cycle. State and local party committees shall also include in the ratio one additional non-federal office.

(2) Exception for states that do not hold federal and non-federal elections in the same year. State and local party committees in states that do not hold federal and non-federal elections in the same year shall allocate the costs of generic voter drives according to the ballot composition method described in paragraph (d) (1) of this section, based on a ratio calculated for that calendar year. These committees shall allocate their administrative expenses according to the ballot composition method described in paragraph (d) (1) of this section, based on a ratio calculated for the two-year Congressional election cycle.

(e) State and local party committees; method for allocating costs of exempt activities. Each state or local party committee shall allocate its expenses for activities exempt from the definitions of contribution and expenditure under 11 CFR 100.7(b) (9), (15) or (17), and 100.8(b) (10), (16) or (18), when conducted in conjunction with non-federal election activities, as described in paragraph (a) (2) of this section, according to the proportion of time or space devoted in a communication. Under this method, the committee shall allocate expenses of a particular communication based on the ratio of the portion of the communication

devoted to federal candidates or elections as compared to the entire communication. In the case of a publication, this ratio shall be determined by the space devoted to federal candidates or elections as compared to the total space devoted to all federal and non-federal candidates or elections. In the case of a phone bank, the ratio shall be determined by the number of questions or statements devoted to federal candidates or elections as compared to the total number of questions or statements devoted to all federal and non-federal candidates or elections.

(f) All party committees; method for allocating direct costs of fundraising. (1) If federal and non-federal funds are collected by one committee through a joint activity, that committee shall allocate its direct costs of fundraising, as described in paragraph (a)(2) of this section, according to the funds received method. Under this method, the committee shall allocate its fundraising costs based on the ratio of funds received into its federal account to its total receipts from each fundraising program or event. This ratio shall be estimated prior to each such program or event based upon the committee's reasonable prediction of its federal and non-federal revenue from that program

[[Page 111]]

or event, and shall be noted in the committee's report for the period in which the first disbursement for such program or event occurred, submitted pursuant 11 CFR 104.5. Any disbursements for fundraising costs made prior to the actual program or event shall be allocated according to this estimated ratio.

(2) No later than the date 60 days after each fundraising program or event from which both federal and non-federal funds are collected, the committee shall adjust the allocation ratio for that program or event to reflect the actual ratio of funds received. If the non-federal account has paid more than its allocable share, the committee shall transfer funds from its federal to its non-federal account, as necessary, to reflect the adjusted allocation ratio. If the federal account has paid more than its allocable share, the committee shall make any transfers of funds from its non-federal to its federal account to reflect the adjusted allocation ratio within the 60-day time period established by this paragraph. The committee shall make note of any such adjustments and transfers in its report for any period in which a transfer was made, and shall also report the date of the fundraising program or event which serves as the basis for the transfer. In the case of a telemarketing or direct mail campaign, the "date" for purposes of this paragraph is the last day of the telemarketing campaign, or the day on which the final direct mail solicitations are mailed.

(g) Payment of allocable expenses by committees with separate federal and non-federal accounts--(1) Payment options. Committees that have established separate federal and non-federal accounts under 11 CFR 102.5 (a)(1)(i) or (b)(1)(i) shall pay the expenses of joint federal and non-federal activities described in paragraph (a)(2) of this section according to either paragraph (g)(1)(i) or (ii), as follows:

(i) Payment by federal account; transfers from non-federal account to federal account. The committee shall pay the entire amount of an allocable expense from its federal account and shall transfer funds from its non-federal account to its federal account solely to cover the non-federal share of that allocable expense.

(ii) Payment by separate allocation account; transfers from federal and non-federal accounts to allocation account. (A) The committee shall establish a separate allocation account into which funds from its federal and non-federal accounts shall be deposited solely for the purpose of paying the allocable expenses of joint federal and non-federal activities. Once a committee has established a separate allocation account for this purpose, all allocable expenses shall be

paid from that account for as long as the account is maintained.

(B) The committee shall transfer funds from its federal and non-federal accounts to its allocation account in amounts proportionate to the federal or non-federal share of each allocable expense.

(C) No funds contained in the allocation account may be transferred to any other account maintained by the committee.

(2) Timing of transfers between accounts. (i) Under either payment option described in paragraphs (g)(1)(i) or (ii) of this section, the committee shall transfer funds from its non-federal account to its federal account or from its federal and non-federal accounts to its separate allocation account following determination of the final cost of each joint federal and non-federal activity, or in advance of such determination if advance payment is required by the vendor and if such payment is based on a reasonable estimate of the activity's final cost as determined by the committee and the vendor(s) involved.

(ii) Funds transferred from a committee's non-federal account to its federal account or its allocation account are subject to the following requirements:

(A) For each such transfer, the committee must itemize in its reports the allocable activities for which the transferred funds are intended to pay, as required by 11 CFR 104.10(b)(3); and

(B) Except as provided in paragraph (f)(2) of this section, such funds may not be transferred more than 10 days before or more than 60 days after the payments for which they are designated are made.

[[Page 112]]

(iii) Any portion of a transfer from a committee's non-federal account to its federal account or its allocation account that does not meet the requirements of paragraph (g)(2)(ii) of this section shall be presumed to be a loan or contribution from the non-federal account to a federal account, in violation of the Act.

(3) Reporting transfers of funds and allocated disbursements. A political committee that transfers funds between accounts and pays allocable expenses according to this section shall report each such transfer and disbursement pursuant to 11 CFR 104.10(b).

[55 FR 26069, June 26, 1990, as amended at 57 FR 8993, Mar. 13, 1992; 57 FR 11137, Apr. 1, 1992]

[Code of Federal Regulations]  
[Title 11, Volume 1, All Parts]  
[Revised as of January 1, 2000]  
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[CITE: 11CFR106.6]

[Page 112-114]

## TITLE 11--FEDERAL ELECTIONS

### CHAPTER I--FEDERAL ELECTION COMMISSION

#### PART 106--ALLOCATIONS OF CANDIDATE AND COMMITTEE ACTIVITIES--Table of Contents

##### Sec. 106.6 Allocation of expenses between federal and non-federal activities by sep

(a) General rule. Separate segregated funds and nonconnected committees that make disbursements in connection with federal and non-federal elections shall make those disbursements either entirely from funds subject to the prohibitions and limitations of the Act, or from accounts established pursuant to 11 CFR 102.5. Separate segregated funds and nonconnected committees that have established separate federal and non-federal accounts under 11 CFR 102.5 (a) (1) (i) or (b) (1) (i), or that make federal and non-federal disbursements from a single account under 11 CFR 102.5(b) (1) (ii), shall allocate their federal and non-federal expenses according to paragraphs (c) and (d) of this section. For purposes of this section, "nonconnected committee" includes any committee which conducts activities in connection with an election, but which is not a party committee, an authorized committee of any candidate for federal election, or a separate segregated fund.

(b) Costs to be allocated--(1) Separate segregated funds. Separate segregated funds that make disbursements in connection with federal and non-federal elections shall allocate expenses for the following categories of activity:

(i) Administrative expenses including rent, utilities, office supplies, and salaries not attributable to a clearly identified candidate, if such expenses are not paid by the separate segregated fund's connected organization;

(ii) The direct costs of a fundraising program or event including disbursements for solicitation of funds and for planning and administration of actual fundraising events, where federal and non-federal funds are collected through such program or event, if such expenses are not paid by the separate segregated fund's connected organization; and

(iii) Generic voter drives including voter identification, voter registration, and get-out-the-vote drives, or any other activities that urge the general public to register, vote or support candidates of a particular party or associated with a particular issue, without mentioning a specific candidate.

(2) Nonconnected committees. Nonconnected committees that make disbursements in connection with federal and non-federal elections shall allocate expenses for the following categories of activity:

(i) Administrative expenses including rent, utilities, office supplies, and salaries, except for such expenses directly attributable to a clearly identified candidate;

(ii) The direct costs of a fundraising program or event including disbursements for solicitation of funds and for planning and administration of actual fundraising events, where federal and non-federal funds are collected through such program or event; and

(iii) Generic voter drives including voter identification, voter registration, and get-out-the-vote drives, or any other activities that urge the general public to register, vote or support candidates of a

particular party or associated with a particular issue, without mentioning a specific candidate.

(c) Method for allocating administrative expenses and costs of generic voter drives. Nonconnected committees and separate segregated funds shall allocate their administrative expenses and costs of generic voter drives, as described in paragraph (b) of this section, according to the funds expended method, described in paragraphs (c) (1) and (2) as follows:

(1) Under this method, expenses shall be allocated based on the ratio of federal expenditures to total federal and

[[Page 113]]

non-federal disbursements made by the committee during the two-year federal election cycle. This ratio shall be estimated and reported at the beginning of each federal election cycle, based upon the committee's federal and non-federal disbursements in a prior comparable federal election cycle or upon the committee's reasonable prediction of its disbursements for the coming two years. In calculating its federal expenditures, the committee shall include only amounts contributed to or otherwise spent on behalf of specific federal candidates. Calculation of total federal and non-federal disbursements shall also be limited to disbursements for specific candidates, and shall not include overhead or other generic costs.

(2) On each of its periodic reports, the committee shall adjust its allocation ratio to reconcile it with the ratio of actual federal and non-federal disbursements made, to date. If the non-federal account has paid more than its allocable share, the committee shall transfer funds from its federal to its non-federal account, as necessary, to reflect the adjusted allocation ratio. The committee shall make note of any such adjustments and transfers on its periodic reports, submitted pursuant to 11 CFR 104.5.

(d) Method for allocating direct costs of fundraising. (1) If federal and non-federal funds are collected by one committee through a joint activity, that committee shall allocate its direct costs of fundraising, as described in paragraph (a) (2) of this section, according to the funds received method. Under this method, the committee shall allocate its fundraising costs based on the ratio of funds received into its federal account to its total receipts from each fundraising program or event. This ratio shall be estimated prior to each such program or event based upon the committee's reasonable prediction of its federal and non-federal revenue from that program or event, and shall be noted in the committee's report for the period in which the first disbursement for such program or event occurred, submitted pursuant to 11 CFR 104.5. Any disbursements for fundraising costs made prior to the actual program or event shall be allocated according to this estimated ratio.

(2) No later than the date 60 days after each fundraising program or event from which both federal and non-federal funds are collected, the committee shall adjust the allocation ratio for that program or event to reflect the actual ratio of funds received. If the non-federal account has paid more than its allocable share, the committee shall transfer funds from its federal to its non-federal account, as necessary, to reflect the adjusted allocation ratio. If the federal account has paid more than its allocable share, the committee shall make any transfers of funds from its non-federal to its federal account to reflect the adjusted allocation ratio within the 60-day time period established by this paragraph. The committee shall make note of any such adjustments and transfers in its report for any period in which a transfer was made, and shall also report the date of the fundraising program or event which serves as the basis for the transfer. In the case of a telemarketing or direct mail campaign, the "date" for purposes of this paragraph is the last day of the telemarketing campaign, or the day on which the final direct mail solicitations are mailed.

(e) Payment of allocable expenses by committees with separate federal and non-federal accounts--(1) Payment options. Nonconnected committees and separate segregated funds that have established separate federal and non-federal accounts under 11 CFR 102.5 (a)(1)(i) or (b)(1)(i) shall pay the expenses of joint federal and non-federal activities described in paragraph (b) of this section according to either paragraph (e)(1)(i) or (ii), as follows:

(i) Payment by federal account; transfers from non-federal account to federal account. The committee shall pay the entire amount of an allocable expense from its federal account and shall transfer funds from its non-federal account to its federal account solely to cover the non-federal share of that allocable expense.

(ii) Payment by separate allocation account; transfers from federal and non-federal accounts to allocation account. (A) The committee shall establish a separate allocation account into which

[[Page 114]]

funds from its federal and non-federal accounts shall be deposited solely for the purpose of paying the allocable expenses of joint federal and non-federal activities. Once a committee has established an allocation account for this purpose, all allocable expenses shall be paid from that account for as long as the account is maintained.

(B) The committee shall transfer funds from its federal and non-federal accounts to its allocation account in amounts proportionate to the federal or non-federal share of each allocable expense.

(C) No funds contained in the allocation account may be transferred to any other account maintained by the committee.

(2) Timing of transfers between accounts. (i) Under either payment option described in paragraphs (e)(1)(i) or (ii) of this section, the committee shall transfer funds from its non-federal account or from its federal and non-federal accounts to its separate allocation account following determination of the final cost of each joint federal and non-federal activity, or in advance of such determination if advance payment is required by the vendor and if such payment is based on a reasonable estimate of the activity's final cost as determined by the committee and the vendor(s) involved.

(ii) Funds transferred from a committee's non-federal account to its federal account or its allocation account are subject to the following requirements:

(A) For each such transfer, the committee must itemize in its reports the allocable activities for which the transferred funds are intended to pay, as required by 11 CFR 104.10(b)(3); and

(B) Except as provided in paragraph (d)(2) of this section, such funds may not be transferred more than 10 days before or more than 60 days after the payments for which they are designated are made.

(iii) Any portion of a transfer from a committee's non-federal account to its federal account or its allocation account that does not meet the requirements of paragraph (e)(2)(ii) of this section shall be presumed to be a loan or contribution from the non-federal account to a federal account, in violation of the Act.

(3) Reporting transfers of funds and allocated disbursements. A political committee that transfers funds between accounts and pays allocable expenses according to this section shall report each such transfer and disbursement pursuant to 11 CFR 104.10(b).

[55 FR 26071, June 26, 1990, as amended at 57 FR 8993, Mar. 13, 1992]

IN THE SUPREME COURT OF THE STATE OF MISSOURI

In re: )  
ERIC E. VICKERS, ) Committee File Nos.:  
Respondent. ) 97-0002-21, 97-0113-21,  
97-0176-21, 97-0248-21,  
97-0368-21, 97-0455-21

INFORMATION

COMES NOW the Twenty-first Judicial Circuit Bar Committee and charges:

ALLEGATIONS COMMON TO ALL COUNTS

1. Informant is the Chief Disciplinary Counsel appointed by this Court pursuant to Rule 5.06.

2. Informant has determined, pursuant to Rule 5.11, that probable cause exists to believe that Respondent is guilty of professional misconduct.

3. Respondent was licensed as an attorney in Missouri on April 24, 1982. Respondent's Bar Number is 31784. Respondent's date of birth is February 16, 1953. Respondent's Social Security Number is UNKNOWN.

4. Respondent's license is currently in good standing.

5. The address Respondent designated in his most recent registration with the Missouri Bar is 7171 Delmar, Suite 101  
University City, Mo. 63130.

6. Respondent's current business address is 7171 Delmar Boulevard, Suite 101, St. Louis, Missouri 63130.

COUNT I

7. Informant realleges and incorporates by reference paragraphs 1 through 6 as if fully set out in this Count.

EXHIBIT



8. In 1994 Respondent undertook to represent Dr. Raphael Williams in a lawsuit in the United States District Court for the Eastern District of Missouri, styled Raphael Williams vs. Delta Dental Plan of Missouri et al, Cause No. 94CV1019.

9. Subsequently, Respondent violated the following Rules of Professional Conduct:

A. Rule 1.1 (Competence)

During the course of Respondent's representation, Respondent failed to respond to Discovery requests, despite numerous court orders, thereby jeopardizing his client's case.

B. Rule 1.3 (Diligence)

During the course of Respondent's representation, Respondent failed to respond to Discovery requests, despite numerous court orders, thereby jeopardizing his client's case.

C. Rule 1.4 (Communication)

Respondent failed to keep his client reasonably informed with regard to the matter undertaken.

D. Rule 8.1(b) (Disciplinary Matters)

Respondent failed to respond to Informant's subpoena to appear before Informant on September 25, 1997.

E. Rule 8.4(d) (Misconduct)

Respondent demanded a payment of \$300.00 from Dr. Williams as a condition of continuing to represent Dr. Williams.

F. Rule 8.4(d) (Conduct Prejudicial to the Administration of Justice)

Respondent made written threats against Dr. Williams.

G. Rule 8.4(d) (Conduct Prejudicial to the Administration of Justice)

Respondent has engaged in conduct that is prejudicial to the administration of justice as a result of the acts set forth above in paragraphs 9.A. through 9.F.

WHEREFORE, Informant prays that a decision be issued finding Respondent guilty of professional misconduct as alleged in this Information and that Respondent be disciplined in accordance with Rule 5.

COUNT II

10. Informant realleges and incorporates by reference paragraphs 1 through 6 as if fully set out in this Count.

11. Respondent undertook to represent Paula Johnson.

12. Subsequently, Respondent violated the following Rules of Professional Conduct:

A. Rule 1.3 (Diligence)

Respondent failed to diligently pursue his representation of Ms. Johnson.

B. Rule 1.4 (Communication)

Respondent failed to keep Ms. Johnson reasonably informed with regard to the matter undertaken.

C. Rule 1.16(d) (Terminating Representation)

Respondent failed to return Ms. Johnson's file in a timely manner despite repeated requests from Ms. Johnson for the return of the file.

D. Rule 8.1(b) (Disciplinary Matters)

Respondent failed to make a written reply to Complainant's complaint as requested by Informant.

E. Rule 8.1(b) (Disciplinary Matters)

Respondent failed to respond to Informant's subpoena to appear before Informant on September 25, 1997.

F. Rule 8.4(d) (Conduct Prejudicial to the Administration of Justice)

Respondent has engaged in conduct that is prejudicial to the administration of justice as a result of the acts set forth above in paragraphs 12.A. through 12.E.

WHEREFORE, Informant prays that a decision be issued finding Respondent guilty of professional misconduct as alleged in this Information and that Respondent be disciplined in accordance with Rule 5.

COUNT III

13. Informant realleges and incorporates by reference paragraphs 1 through 6 as if fully set out in this Count.

14. In April 1991 Respondent undertook to represent Ernest and Delores Washington (the Washingtons) with respect to allegations of police misconduct.

15. Subsequently, Respondent violated the following Rules of Professional Conduct:

A. Rule 1.1 (Competence)

From 1991 to the present date, Respondent failed to take any actions with regard to the Washingtons' case.

2220 504 40 12

B. Rule 1.3 (Diligence)

From 1991 to the present date, Respondent failed to take any actions with regard to the Washingtons' case.

C. Rule 1.4 (Communication)

Respondent failed to keep the Washingtons reasonably informed with regard to the matter undertaken and further failed to respond to the Washingtons' reasonable requests for information.

D. Rule 8.1(b) (Disciplinary Matters)

Respondent failed to send a written reply to Complainant's complaint as requested by Informant.

E. Rule 8.1(b) (Disciplinary Matters)

Respondent failed to respond to Informant's subpoena to appear before Informant on September 25, 1997.

F. Rule 8.4(d) (Conduct Prejudicial to the Administration of Justice)

Respondent has engaged in conduct that is prejudicial to the administration of justice as a result of the acts set forth above in paragraphs 15.A. through 15.E.

WHEREFORE, Informant prays that a decision be issued finding Respondent guilty of professional misconduct as alleged in this Information and that Respondent be disciplined in accordance with Rule 5.

COUNT IV

16. Informant realleges and incorporates by reference paragraphs 1 through 6 as if fully set out in this Count.

17. Respondent undertook to represent a group of clients known collectively as the Association of Independent Airport

Transport Drivers (AIATD) for purposes of filing suit against the Greater Orlando [Florida] Aviation Authority (GOAA). Suit was filed.

18. Subsequently, Respondent violated the following Rules of Professional Conduct:

A. Rule 1.1 (Competence)

During the course of Respondent's representation, Respondent failed to respond to Discovery requests, despite numerous court orders, thereby jeopardizing his client's case.

B. Rule 1.3 (Diligence)

During the course of Respondent's representation, Respondent failed to respond to Discovery requests, despite numerous court orders, thereby jeopardizing his client's case.

C. Rule 1.4 (Communication)

Respondent failed to keep his clients reasonably informed with regard to the matter undertaken.

D. Rule 8.1(b) (Disciplinary Matters)

Respondent failed to respond to Informant's subpoena to appear before Informant on September 25, 1997.

E. Rule 8.4(d) (Conduct Prejudicial to the Administration of Justice)

Respondent has engaged in conduct that is prejudicial to the administration of justice as a result of the acts set forth above in paragraphs 18.A. through 18.D.

19. Members of AIATD filed a complaint against Respondent with the Florida Bar.

20. The Florida Bar conducted an investigation and issued a Finding of Probable Cause with respect to said complaint. A copy

of said Finding is attached to this Information and incorporated by reference.

21. The matter was referred to Informant by the Florida Bar due to the fact that Respondent is not licensed to practice law in the state of Florida.

WHEREFORE, Informant prays that a decision be issued finding Respondent guilty of professional misconduct as alleged in this Information and that Respondent be disciplined in accordance with Rule 5.

COUNT V

22. Informant realleges and incorporates by reference paragraphs 1 through 6 as if fully set out in this Count.

23. In December 1993 Respondent undertook to represent Sandra L. Cunningham with respect to a discrimination claim against her employer, Creative Office Systems. Suit was filed in 1994 in the United States District Court for the Eastern District of Missouri, styled Sandra Cunningham vs. Creative Office Systems, Inc.

24. Subsequently, Respondent violated the following Rules of Professional Conduct:

A. Rule 1.1 (Competence)

During the course of Respondent's representation, Respondent failed to respond to Discovery requests, despite numerous court orders, thereby jeopardizing his client's case.

B. Rule 1.3 (Diligence)

During the course of Respondent's representation, Respondent failed to respond to Discovery requests, despite numerous court orders, thereby jeopardizing his client's case.

C. Rule 1.4 (Communication)

Respondent failed to keep Ms. Cunningham reasonably informed with regard to the matter undertaken and further failed to respond to Ms. Cunningham's reasonable requests for information.

D. Rule 8.1(b) (Disciplinary Matters)

Respondent failed to respond to Informant's subpoena to appear before Informant on September 25, 1997.

E. Rule 8.4(d) (Conduct Prejudicial to the Administration of Justice)

Respondent has engaged in conduct that is prejudicial to the administration of justice as a result of the acts set forth above in paragraphs 24.A. through 24.D.

WHEREFORE, Informant prays that a decision be issued finding Respondent guilty of professional misconduct as alleged in this Information and that Respondent be disciplined in accordance with Rule 5.

COUNT VI

25. Informant realleges and incorporates by reference paragraphs 1 through 6 as if fully set out in this Count.

26. Respondent undertook to represent a group of clients including Complainant James L. Wagoner in connection with a claim against U.S. West, Inc. Suit was filed in the United States District Court for the District of Colorado, styled National Black

Chamber of Commerce, Inc. et al vs. U.S. West, Inc., Civil Action No. 96-D-1331.

27. Subsequently, Respondent violated the following Rules of Professional Conduct:

A. Rule 1.3 (Diligence)

Respondent failed to diligently pursue his representation of Mr. Wagoner.

B. Rule 1.4 (Communication)

Respondent failed to keep Mr. Wagoner reasonably informed with regard to the matter undertaken and further failed to respond to Mr. Wagoner's reasonable requests for information.

C. Rule 1.16(d) (Terminating Representation)

Respondent failed to return Mr. Wagoner's file in a timely manner despite repeated requests from Mr. Wagoner for the return of the file.

D. Rule 8.1(b) (Disciplinary Matters)

Respondent failed to respond to Informant's subpoena to appear before Informant on September 25, 1997.

E. Rule 8.4(d) (Conduct Prejudicial to the Administration of Justice)

Respondent has engaged in conduct that is prejudicial to the administration of justice as a result of the acts set forth above in paragraphs 27.A. through 27.D.

WHEREFORE, Informant prays that a decision be issued finding Respondent guilty of professional misconduct as alleged in this Information and that Respondent be disciplined in accordance with Rule 5.

21-04-405-0227



DESIGNATION OF COUNSEL FOR INFORMANT

The Chief Disciplinary Counsel has designated the following as  
Counsel of Record for the Informant: Robert D. Becknaw

P.O. Box 21717 ST. Louis, MO. 63109-0717

---

Respectfully submitted,

U. F. Summers  
Robert F. Summers, Chairman  
Division 3  
21st Judicial Circuit Bar Committee

11/20/97  
Date

IN THE SUPREME COURT OF FLORIDA  
(Before a Grievance Committee)

THE FLORIDA BAR,

Complainant,

Case No. 96-30,740 (09A)

v.

ERIC E. VICKERS

Respondent.

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NOTICE OF FINDING OF PROBABLE CAUSE FOR  
FURTHER DISCIPLINARY PROCEEDINGS  
AND RECORD OF INVESTIGATION

TO: Eric E. Vickers  
c/o Vickers & Associates  
7171 Delmar, Ste 101  
St. Louis, MO 63130

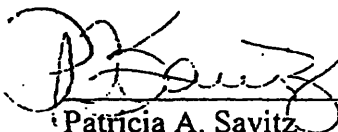
You are hereby notified that the Ninth Judicial Circuit Grievance Committee "A", at a duly constituted meeting on the 31st day of March, 1997, and by majority vote of eligible members present, found probable cause for your violations of the following Rules: 4-1.2(a)

All matters of record considered by the grievance committee have been referred to the undersigned staff lawyer for the drafting and filing of a formal Complaint pursuant to Rule 3-7.4(l).

Your further attention is called to Rule 3-7.9.

Please note that plea negotiations for consent judgments may be entered into until two weeks before the final hearing. After that date, bar policy prohibits further negotiations.

Dated this 3 day of April, 1997.



Patricia A. Savitz  
Bar Counsel  
The Florida Bar

21-04-105-0229

880 North Orange Avenue  
Suite 200  
Orlando, Florida 32801  
(407) 425-5424

cc: Mr. John A. Boggs  
Director of Lawyer Regulation  
The Florida Bar  
650 Apalachee Parkway  
Tallahassee, Florida 32399-2300

Ms. Lynne R. Thompson, Chair  
Eighteenth Judicial Circuit  
Grievance Committee "C"  
529 East New Haven Avenue  
Melbourne, FL 32901-5461

S. Sammy Cacciatore, Jr.  
Designated Reviewer  
Eighteenth Judicial Circuit  
Grievance Committee "C"  
525 North Harbor City Boulevard  
Post Office Box 361817  
Melbourne, Florida 32936

21.04.405.0230



**TRANSFER & DELIVERY SERVICE, INC.**

**P.O. BOX 56965-6965 PHOENIX, AZ 85079-6965**

**(602) 266-4566 Fax (602) 266-1699**

**James L. Wagoner, President**

July 2, 1997

Office of Chief Disciplinary Counsel  
3335 American Way  
Jefferson City, MO 65109

Dear Sirs:

This letter is being sent to officially file a complaint against Attorney Eric Vickers of St. Louis, Missouri. Mr. Vickers, who formerly represented us in a class action lawsuit,

- failed to fully represent our interest in the lawsuit
- failed to give an itemized accounting of \$26,000 in funds which were paid for his fees and expenses as he requested
- failed to send interrogatories to all plaintiffs
- failed to respond to telephone calls from plaintiffs and from defendants' attorneys
- failed to respond to individuals' personal attorneys in a timely manner
- failed to get files from our previous attorney as directed
- made settlement offer without conferring with plaintiffs
- sent plaintiffs insulting faxes telling us that we are less than intelligent
- failed to have followup meeting with defendants after important October 28, 1996 meeting between defendants and plaintiffs.
- changed local representation from Robert Botts to Grace Belsches without informing plaintiffs
- failed to return all files and documents as we requested

Exhibit

--expects to be paid on any settlement if we substitute counsel,  
which we have, even though he did not do a competent job  
for us.

The above comments are the collective experiences and complaints of the  
following four clients:

1A-Rob Moving  
Jim Robinson  
1219 McCormick  
Des Moines, IA 50316  
(515) 262-4832

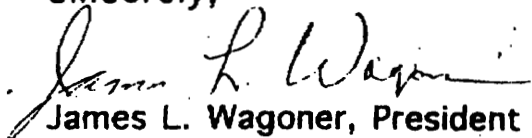
PAS Communications  
Thomas Turner  
P. O. Box 25122  
Overland Park, KS 66225  
(913) 764-0025

Reliance Maintenance  
George McKay  
2525 Douglas  
Des Moines, IA 50310  
(515) 255-3032

OJC Transfer & Delivery Svc, Inc.  
James L. Wagoner  
P. O. Box 26965  
Phoenix, AZ 85079  
(601) 266-4566

We want a full accounting of funds paid and a refund of all monies for  
which Mr. Vickers cannot account.

Sincerely,

  
James L. Wagoner, President

OJC Transfer & Delivery Service, Inc.

Exhibit

H

Page 2

IN THE SUPREME COURT OF THE STATE OF MISSOURI

In re: )  
ERIC E. VICKERS, ) Committee File Nos.:  
Respondent. ) 97-0002-21, 97-0113-21,  
97-0176-21, 97-0248-21,  
97-0368-21, 97-0455-21

INFORMATION

COMES NOW the Twenty-first Judicial Circuit Bar Committee and charges:

ALLEGATIONS COMMON TO ALL COUNTS

1. Informant is the Chief Disciplinary Counsel appointed by this Court pursuant to Rule 5.06.

2. Informant has determined, pursuant to Rule 5.11, that probable cause exists to believe that Respondent is guilty of professional misconduct.

3. Respondent was licensed as an attorney in Missouri on April 24, 1982. Respondent's Bar Number is 31784. Respondent's date of birth is February 16, 1953. Respondent's Social Security Number is UNKNOWN.

4. Respondent's license is currently in good standing.

5. The address Respondent designated in his most recent registration with the Missouri Bar is 7171 Delmar, Suite 101  
University City, Mo. 63130.

6. Respondent's current business address is 7171 Delmar Boulevard, Suite 101, St. Louis, Missouri 63130.

COUNT I

7. Informant realleges and incorporates by reference paragraphs 1 through 6 as if fully set out in this Count.

EXHIBIT

8. In 1994 Respondent undertook to represent Dr. Raphael Williams in a lawsuit in the United States District Court for the Eastern District of Missouri, styled Raphael Williams vs. Delta Dental Plan of Missouri et al, Cause No. 94CV1019.

9. Subsequently, Respondent violated the following Rules of Professional Conduct:

A. Rule 1.1 (Competence)

During the course of Respondent's representation, Respondent failed to respond to Discovery requests, despite numerous court orders, thereby jeopardizing his client's case.

B. Rule 1.3 (Diligence)

During the course of Respondent's representation, Respondent failed to respond to Discovery requests, despite numerous court orders, thereby jeopardizing his client's case.

C. Rule 1.4 (Communication)

Respondent failed to keep his client reasonably informed with regard to the matter undertaken.

D. Rule 8.1(b) (Disciplinary Matters)

Respondent failed to respond to Informant's subpoena to appear before Informant on September 25, 1997.

E. Rule 8.4(d) (Misconduct)

Respondent demanded a payment of \$300.00 from Dr. Williams as a condition of continuing to represent Dr. Williams.

F. Rule 8.4(d) (Conduct Prejudicial to the Administration of Justice)

Respondent made written threats against Dr. Williams.

G. Rule 8.4(d) (Conduct Prejudicial to the Administration of Justice)

Respondent has engaged in conduct that is prejudicial to the administration of justice as a result of the acts set forth above in paragraphs 9.A. through 9.F.

WHEREFORE, Informant prays that a decision be issued finding Respondent guilty of professional misconduct as alleged in this Information and that Respondent be disciplined in accordance with Rule 5.

COUNT II

10. Informant realleges and incorporates by reference paragraphs 1 through 6 as if fully set out in this Count.

11. Respondent undertook to represent Paula Johnson.

12. Subsequently, Respondent violated the following Rules of Professional Conduct:

A. Rule 1.3 (Diligence)

Respondent failed to diligently pursue his representation of Ms. Johnson.

B. Rule 1.4 (Communication)

Respondent failed to keep Ms. Johnson reasonably informed with regard to the matter undertaken.

C. Rule 1.16(d) (Terminating Representation)

Respondent failed to return Ms. Johnson's file in a timely manner despite repeated requests from Ms. Johnson for the return of the file.



D. Rule 8.1(b) (Disciplinary Matters)

Respondent failed to make a written reply to Complainant's complaint as requested by Informant.

E. Rule 8.1(b) (Disciplinary Matters)

Respondent failed to respond to Informant's subpoena to appear before Informant on September 25, 1997.

F. Rule 8.4(d) (Conduct Prejudicial to the Administration of Justice)

Respondent has engaged in conduct that is prejudicial to the administration of justice as a result of the acts set forth above in paragraphs 12.A. through 12.E.

WHEREFORE, Informant prays that a decision be issued finding Respondent guilty of professional misconduct as alleged in this Information and that Respondent be disciplined in accordance with Rule 5.

COUNT III

13. Informant realleges and incorporates by reference paragraphs 1 through 6 as if fully set out in this Count.

14. In April 1991 Respondent undertook to represent Ernest and Delores Washington (the Washingtons) with respect to allegations of police misconduct.

15. Subsequently, Respondent violated the following Rules of Professional Conduct:

A. Rule 1.1 (Competence)

From 1991 to the present date, Respondent failed to take any actions with regard to the Washingtons' case.

2025-04-12 12:40:50

B. Rule 1.3 (Diligence)

From 1991 to the present date, Respondent failed to take any actions with regard to the Washingtons' case.

C. Rule 1.4 (Communication)

Respondent failed to keep the Washingtons reasonably informed with regard to the matter undertaken and further failed to respond to the Washingtons' reasonable requests for information.

D. Rule 8.1(b) (Disciplinary Matters)

Respondent failed to send a written reply to Complainant's complaint as requested by Informant.

E. Rule 8.1(b) (Disciplinary Matters)

Respondent failed to respond to Informant's subpoena to appear before Informant on September 25, 1997.

F. Rule 8.4(d) (Conduct Prejudicial to the Administration of Justice)

Respondent has engaged in conduct that is prejudicial to the administration of justice as a result of the acts set forth above in paragraphs 15.A. through 15.E.

WHEREFORE, Informant prays that a decision be issued finding Respondent guilty of professional misconduct as alleged in this Information and that Respondent be disciplined in accordance with Rule 5.

COUNT IV

16. Informant realleges and incorporates by reference paragraphs 1 through 6 as if fully set out in this Count.

17. Respondent undertook to represent a group of clients known collectively as the Association of Independent Airport

21-04405-0237

Transport Drivers (AIATD) for purposes of filing suit against the Greater Orlando [Florida] Aviation Authority (GOAA). Suit was filed.

18. Subsequently, Respondent violated the following Rules of Professional Conduct:

A. Rule 1.1 (Competence)

During the course of Respondent's representation, Respondent failed to respond to Discovery requests, despite numerous court orders, thereby jeopardizing his client's case.

B. Rule 1.3 (Diligence)

During the course of Respondent's representation, Respondent failed to respond to Discovery requests, despite numerous court orders, thereby jeopardizing his client's case.

C. Rule 1.4 (Communication)

Respondent failed to keep his clients reasonably informed with regard to the matter undertaken.

D. Rule 8.1(b) (Disciplinary Matters)

Respondent failed to respond to Informant's subpoena to appear before Informant on September 25, 1997.

E. Rule 8.4(d) (Conduct Prejudicial to the Administration of Justice)

Respondent has engaged in conduct that is prejudicial to the administration of justice as a result of the acts set forth above in paragraphs 18.A. through 18.D.

19. Members of AIATD filed a complaint against Respondent with the Florida Bar.

20. The Florida Bar conducted an investigation and issued a Finding of Probable Cause with respect to said complaint. A copy

of said Finding is attached to this Information and incorporated by reference.

21. The matter was referred to Informant by the Florida Bar due to the fact that Respondent is not licensed to practice law in the state of Florida.

WHEREFORE, Informant prays that a decision be issued finding Respondent guilty of professional misconduct as alleged in this Information and that Respondent be disciplined in accordance with Rule 5.

COUNT V

22. Informant realleges and incorporates by reference paragraphs 1 through 6 as if fully set out in this Count.

23. In December 1993 Respondent undertook to represent Saundra L. Cunningham with respect to a discrimination claim against her employer, Creative Office Systems. Suit was filed in 1994 in the United States District Court for the Eastern District of Missouri, styled Saundra Cunningham vs. Creative Office Systems, Inc.

24. Subsequently, Respondent violated the following Rules of Professional Conduct:

A. Rule 1.1 (Competence)

During the course of Respondent's representation, Respondent failed to respond to Discovery requests, despite numerous court orders, thereby jeopardizing his client's case.

6320 504 40 12

B. Rule 1.3 (Diligence)

During the course of Respondent's representation, Respondent failed to respond to Discovery requests, despite numerous court orders, thereby jeopardizing his client's case.

C. Rule 1.4 (Communication)

Respondent failed to keep Ms. Cunningham reasonably informed with regard to the matter undertaken and further failed to respond to Ms. Cunningham's reasonable requests for information.

D. Rule 8.1(b) (Disciplinary Matters)

Respondent failed to respond to Informant's subpoena to appear before Informant on September 25, 1997.

E. Rule 8.4(d) (Conduct Prejudicial to the Administration of Justice)

Respondent has engaged in conduct that is prejudicial to the administration of justice as a result of the acts set forth above in paragraphs 24.A. through 24.D.

WHEREFORE, Informant prays that a decision be issued finding Respondent guilty of professional misconduct as alleged in this Information and that Respondent be disciplined in accordance with Rule 5.

COUNT VI

25. Informant realleges and incorporates by reference paragraphs 1 through 6 as if fully set out in this Count.

26. Respondent undertook to represent a group of clients including Complainant James L. Wagoner in connection with a claim against U.S. West, Inc. Suit was filed in the United States District Court for the District of Colorado, styled National Black

0420 504 40 12

Chamber of Commerce, Inc. et al vs. U.S. West, Inc., Civil Action No. 96-D-1331.

27. Subsequently, Respondent violated the following Rules of Professional Conduct:

A. Rule 1.3 (Diligence)

Respondent failed to diligently pursue his representation of Mr. Wagoner.

B. Rule 1.4 (Communication)

Respondent failed to keep Mr. Wagoner reasonably informed with regard to the matter undertaken and further failed to respond to Mr. Wagoner's reasonable requests for information.

C. Rule 1.16(d) (Terminating Representation)

Respondent failed to return Mr. Wagoner's file in a timely manner despite repeated requests from Mr. Wagoner for the return of the file.

D. Rule 8.1(b) (Disciplinary Matters)

Respondent failed to respond to Informant's subpoena to appear before Informant on September 25, 1997.

E. Rule 8.4(d) (Conduct Prejudicial to the Administration of Justice)

Respondent has engaged in conduct that is prejudicial to the administration of justice as a result of the acts set forth above in paragraphs 27.A. through 27.D.

WHEREFORE, Informant prays that a decision be issued finding Respondent guilty of professional misconduct as alleged in this Information and that Respondent be disciplined in accordance with Rule 5.

21-04-05 02:41

DESIGNATION OF COUNSEL FOR INFORMANT

The Chief Disciplinary Counsel has designated the following as  
Counsel of Record for the Informant: Robert D. Beckman

P.O. Box 21717 ST. Louis, Mo. 63109-0717

Respectfully submitted,

Robert F. Summers  
Robert F. Summers, Chairman  
Division 3  
21st Judicial Circuit Bar Committee

11/20/97  
Date

IN THE SUPREME COURT OF FLORIDA  
(Before a Grievance Committee)

THE FLORIDA BAR,

Complainant,

Case No. 96-30,740 (09A)

v.

ERIC E. VICKERS

Respondent.

NOTICE OF FINDING OF PROBABLE CAUSE FOR  
FURTHER DISCIPLINARY PROCEEDINGS  
AND RECORD OF INVESTIGATION

TO: Eric E. Vickers  
c/o Vickers & Associates  
7171 Delmar, Ste 101  
St. Louis, MO 63130

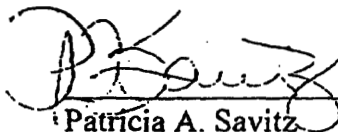
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All matters of record considered by the grievance committee have been referred to the undersigned staff lawyer for the drafting and filing of a formal Complaint pursuant to Rule 3-7.4(l).

Your further attention is called to Rule 3-7.9.

Please note that plea negotiations for consent judgments may be entered into until two weeks before the final hearing. After that date, bar policy prohibits further negotiations.

Dated this 3 day of April, 1997.



Patricia A. Savitz  
Bar Counsel  
The Florida Bar

21-04-405-0243



880 North Orange Avenue  
Suite 200  
Orlando, Florida 32801  
(407) 425-5424

cc: Mr. John A. Boggs  
Director of Lawyer Regulation  
The Florida Bar  
650 Apalachee Parkway  
Tallahassee, Florida 32399-2300

Ms. Lynne R. Thompson, Chair  
Eighteenth Judicial Circuit  
Grievance Committee "C"  
529 East New Haven Avenue  
Melbourne, FL 32901-5461

S. Sammy Cacciatore, Jr.  
Designated Reviewer  
Eighteenth Judicial Circuit  
Grievance Committee "C"  
525 North Harbor City Boulevard  
Post Office Box 361817  
Melbourne, Florida 32936

21.04.405.0244



**TRANSFER & DELIVERY SERVICE, INC.**

**P.O. BOX 56965-6965 PHOENIX, AZ 85079-6965**

**(602) 266-4566 Fax (602) 266-1699**

**James L. Wagoner, President**

July 2, 1997

Office of Chief Disciplinary Counsel  
3335 American Way  
Jefferson City, MO 65109

Dear Sirs:

This letter is being sent to officially file a complaint against Attorney Eric Vickers of St. Louis, Missouri. Mr. Vickers, who formerly represented us in a class action lawsuit,

- failed to fully represent our interest in the lawsuit
- failed to give an itemized accounting of \$26,000 in funds which were paid for his fees and expenses as he requested
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Exhibit

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We want a full accounting of funds paid and a refund of all monies for  
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Sincerely,



James L. Wagoner, President  
OJC Transfer & Delivery Service, Inc.

Page 2

Exhibit  
H

21-04-405-0246



# Supreme Court of Missouri

en banc

November 29, 1999

In Re: Eric E. Vickers,

Respondent.

)  
)  
)  
)

Supreme Court No. SC81738  
MBE #31784

## ORDER

Pursuant to Rule 5.19(d), the Chief Disciplinary Counsel filed in this Court the complete record made before the Disciplinary Hearing Panel.

After briefing and argument in this Court, and the Court being fully advised in the premises, the Court finds that Respondent, Eric E. Vickers, has violated: Rule 4-1.3, Rule 4-1.4, Rule 4-8.1, and Rule 4-1.16(d).

The Court notes the two admonitions previously received by Eric E. Vickers.

The Court carefully weighs all factors, including the mitigating factors urged by Eric E. Vickers.

NOW, THEREFORE, IT IS ORDERED by this Court that Respondent, Eric E. Vickers, be and he is hereby suspended from the practice of law in this state and that this Court shall entertain no application for reinstatement for a period of ninety days from the date of this order.

It is further ordered that in addition to all other requirements for reinstatement, the Respondent, Eric E. Vickers, shall submit to the Chief Disciplinary Counsel, at the time of his application for reinstatement, proof of payment to Ernest and Delores Washington the sum of \$3,762.40 plus 9% per annum simple interest on any amount unpaid from May 1, 1992 to the date payment in full was made.

It is further ordered that the said Eric E. Vickers, comply in all respects with 5.27 - Notification of Clients and Counsel.

It is further ordered that costs be taxed to the Respondent.

Day - to - Day

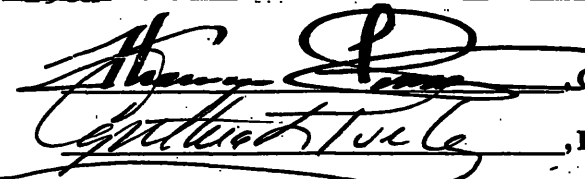
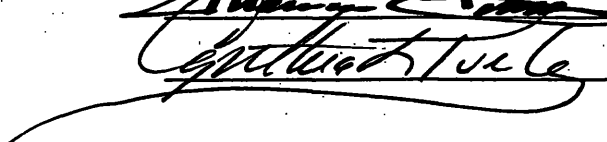
  
William Ray Price, Jr.  
Chief Justice

White, J., not participating.

STATE OF MISSOURI-SCT.:

I, THOMAS F. SIMON, Clerk of the Supreme Court of Missouri, do hereby certify that the foregoing is a true copy of the order of said court, entered on the 29th day of November, 1999, as fully as the same appears of record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Supreme Court. Done at office in the City of Jefferson, State aforesaid, this 29th day of November, 1999.

 Clerk  
 , D.C.



# The Bar Association of Metropolitan St. Louis

One Metropolitan Square - Suite 1400 - St. Louis - Missouri 63102-2745

Headquarters/Downtown (314) 421-4134

Fax (314) 421-0013

www.bamsl.org

E-mail: bamsl@bamsl.org

March 22, 2000

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### Executive Director

KEN KLEIN

Ms. Paula Johnson  
715 North 24<sup>th</sup> St.  
East St. Louis, IL 62205

Re: Fee dispute F97.024

Paula Johnson (complainant) vs. Eric E. Vickers (respondent)

Dear Ms. Johnson:

Enclosed please find the decision of the arbitration hearing that was held on February 24, 2000. The arbitration panel consisted of one lawyer and two lay persons.

We appreciate your cooperation in this matter.

The Bar Association of Metropolitan St. Louis  
Fee Dispute Resolution Committee

MRN/cw

enclosure

Certified Z 703 467 370 - complainant

Ch 435  
#22  
Mo. Annotated  
Statutes

In Re: Paula Johnson vs. Eric Vickers  
Case No.: F97.024

**ARBITRATION AWARD/DECISION**

On February 24, 2000 a hearing was held at 1015 Locust Street, Suite 1100, St. Louis, Missouri 63101 relative to the above arbitration proceeding. Present at said hearing were the following individuals: William M. Spieler, Attorney at Law, Arbitrator, John Wilmsmeyer, Arbitrator, Jane Hawkins, Arbitrator, and the Complainant, Paula Johnson. Eric Vickers, Esquire did not appear. Notice was previously given to Mr. Vickers in writing noticing him as to the February 24, 2000 hearing date.

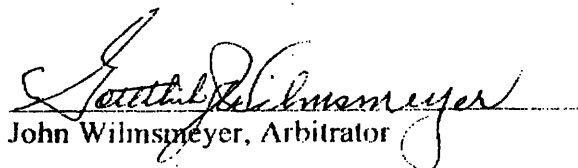
After hearing testimony and after evidence being adduced, the arbitrators hereby make the following award:

The Complainant, Paula Johnson, is awarded Six Thousand Six Hundred Seventy Two Dollars (\$6,672.00) which represents attorney's fees and costs paid to Eric Vickers by Paula Johnson. Additionally, Paula Johnson is awarded Four Thousand Five Hundred Seventy Eight Dollars Eighteen Cents (\$4,578.18) plus per diem interest from and after February 27, 1998 at the rate of \$.07 per day (calculated as Four Thousand Five Hundred Seventy Eight Dollars Eighteen Cents (\$4,578.18) times 5.407% divided by three hundred sixty five days (365)) until the date said amount is satisfied. The latter amount, Four Thousand Five Hundred Seventy Eight Dollars and Eighteen Cents (\$4,578.18), is a judgement amount entered against Ms. Johnson in the case on which Mr. Vickers represented Ms. Johnson.

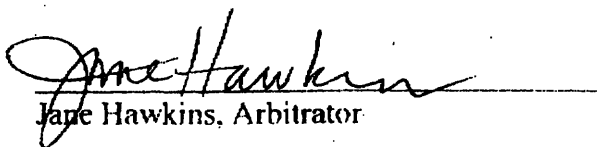


William M. Spieler, Arbitrator

MAR 13 2000



John Wilmsmeyer, Arbitrator



Jane Hawkins, Arbitrator

21-04-405-0250



# The Bar Association of Metropolitan St. Louis

Headquarters  
One Metropolitan Square, Suite 1400  
St. Louis, Missouri 63102-2745  
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Fax (314) 421-0013

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Clayton, Missouri 63105  
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Fax (314) 721-7106

<http://www.bamsl.org/bamsl>  
E-mail: [bamsl@bamsl.org](mailto:bamsl@bamsl.org)

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HON. ANGELA D. TURNER\*  
Executive Director  
KEN KLEIN

\*Executive Committee

## FEE DISPUTE RESOLUTION PROGRAM Agreement to Binding Arbitration

Re: Fee Dispute #F 97.024

Client:

Paula Johnson

Attorney: Eric Vickers

We each hereby agree to be bound by the decision of the arbitrator or the arbitration panel. We understand that the decision is final. We certify that no promises have been made regarding the results of the arbitration and that this agreement is filed in a voluntary effort to resolve the fee dispute recognizing that the results may be favorable or unfavorable to our position.

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At a hearing we each will have the right to be heard, to present evidence, to cross-examine witnesses and to have an attorney present at our own expense. We have the right to seek subpoenas for the attendance of witnesses and subpoenas duces tecum for the witnesses to bring documents to the hearing.

We have the right to adjournment for good cause.

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We each acknowledge that we have received and read a full explanation of the arbitration process.

It is further agreed that we will promptly comply with the award determined by the arbitration process.

### Attorney-Client Privilege Waiver And Covenant Not To Sue

THE UNDERSIGNED COMPLAINANT FURTHER AGREES TO AUTHORIZE ANY ARBITRATOR(S) APPOINTED BY BAMSLS FEE DISPUTE RESOLUTION COMMITTEE TO ARBITRATE ANY ALLEGED FEE DISPUTE AND TO MEET AND DISCUSS THE ISSUES INVOLVED WITH THE COMPLAINANT OR AND ATTORNEYS. THE PARTIES, EXECUTING THIS AGREEMENT, FURTHER AUTHORIZE HIS OR HER ATTORNEY OR ATTORNEYS TO PROVIDE COPIES OF ANY DOCUMENTS OR PROVIDE ANY INFORMATION WHICH THE ARBITRATOR(S) MAY REQUEST IN CONNECTION WITH THE FEE DISPUTE RESOLUTION PROCESS AND WAIVES ANY ATTORNEY-CLIENT PRIVILEGE IN CONNECTION THEREWITH.

IN CONSIDERATION FOR THE SERVICE PROVIDED BY THE FEE DISPUTE RESOLUTION PROGRAM OF BAMSLS, WE HEREBY AGREE THAT IN NO EVENT WILL WE SUE OR OTHERWISE ATTEMPT TO HOLD LIABLE FOR DAMAGES, BAMSLS, ITS EXECUTIVE COMMITTEE, STAFF, COMMITTEE MEMBERS, INVESTIGATORS, MEDIATORS, ARBITRATORS OR ANY AGENTS OF BAMSLS AS A RESULT OF ANY OF THE PROCEEDINGS OF THIS ACTION.

THIS CONTRACT CONTAINS A BINDING ARBITRATION PROVISION WHICH MAY BE ENFORCED BY THE PARTIES.

Date

Date

Signature of Client

Signature of Attorney





# The Bar Association of Metropolitan St. Louis

One Metropolitan Square, Suite 1400  
St. Louis, Missouri 63102-2745

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December 23, 1998

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### Executive Director

KEN KLEIN

Mr. Eric Vickers, Esq.  
Attorney at Law  
7171 Delmar  
St. Louis, MO 63102

Re: Fee Dispute F97.024 Paula Johnson vs. Eric Vickers, Atty.

Dear Mr. Vickers:

Hoping that you will agree to participate in the arbitration proceedings, the Committee on Resolution of Fee Disputes would like to give you one more opportunity to sign and return the enclosed *Agreement for Binding Arbitration* form, already signed by the complainant.

If no response is received within the next 30 days, an ex parte hearing will be scheduled.

Your cooperation is appreciated.

Sincerely,

Michael R. Nack  
Chair  
Committee on Resolution of Fee Disputes

MRN/cw  
enclosure

\*Executive Committee



# The Bar Association of Metropolitan St. Louis

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Executive Director  
KEN KLEIN

\*Executive Committee

## FEE DISPUTE RESOLUTION PROGRAM Agreement to Binding Arbitration

Re: Fee Dispute #F 97.024

Client: Paula Johnson Attorney: Eric Vickers

We each hereby agree to be bound by the decision of the arbitrator or the arbitration panel. We understand that the decision is final. We certify that no promises have been made regarding the results of the arbitration and that this agreement is filed in a voluntary effort to resolve the fee dispute recognizing that the results may be favorable or unfavorable to our position.

Complainant understands that if Attorney refuses to submit to this process the arbitration hearing may proceed ex-parte (without him/her being present), but in such case the decision will not be binding on the Attorney. We further understand that the panel will consist of one (1) member of the Committee if the amount in dispute is \$3,500 or less. If the amount is over \$3,500, the panel will consist of three (3) members composed of one attorney and two lay persons.

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THIS CONTRACT CONTAINS A BINDING ARBITRATION PROVISION WHICH MAY BE ENFORCED BY THE PARTIES.

Date 4/3/97

Date 12/28/98

Signature of Client

Signature of Attorney

~~CONFIDENTIAL~~

081738

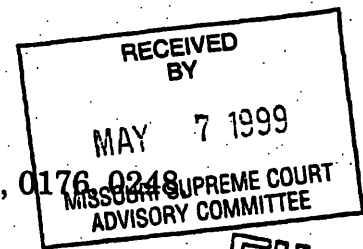
IN THE SUPREME COURT  
OF THE STATE OF MISSOURI

IN RE: )

ERIC E. VICKERS, )

Respondent. )

) File Nos. 97-002, 0113, 0176, 0248  
) 0368 and 0455-21  
)



FILED

JUL 01 1999

Thomas F. Simon  
CLERK, SUPREME COURT

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND  
RECOMMENDATIONS OF DISCIPLINARY PANEL**

**INTRODUCTION**

The hearing on this matter was commenced on September 9, 1998. The Disciplinary Hearing Panel consisted of Martin M. Green, Chair, Thomas J. Casey, and John Padgett. The Respondent appeared in person and by his counsel, Thomas T.C. Carter, II and Sa'ad El-Amin, Richmond, Virginia, who had been admitted *pro hac vice* by the St. Louis County Circuit Court. Informant appeared by Robert Beekman and Carl Schaeperkoetter. A closed hearing on the record was conducted in the St. Louis County Courthouse on September 9, September 10, October 29 and October 30, 1998. The Information on which the hearing was held consisted of six counts with numerous sub-counts. The Respondent filed an answer which denied all of the allegations in the Information, but subsequently filed an amended answer to Count III(C) in which he admitted a violation of Rule 1.4 for lack of diligence in not communicating with his clients, Ernest and Delores Washington.

At the conclusion of the hearing, the Panel requested proposed findings of fact from both Informant's counsel and Respondent's counsel. Although Respondent's

counsel provided the Panel with his proposed Findings of Fact, no proposed findings were received from Informant's counsel.

### COUNT I

Count I involves Respondent's representation of a dentist, Dr. Raphael Williams, in a lawsuit in federal court. He is accused of violating the following Rules:<sup>1</sup>

- (A) Rule 1.1 - Competence;
- (B) Rule 1.3 - Diligence in failing to respond to discovery;
- (C) Rule 1.4 - Failure to communicate;
- (D) Rule 8.1(b) - Disciplinary matters - failure to respond to Informant's subpoena;
- (E) Rule 8.4(d) - Misconduct for demanding \$300 from client as a condition to continuing representation;
- (F) Rule 8.4(d) - Conduct prejudicial to the administration of justice - making written threats to client; and
- (G) Rule 8.4(d) - Conduct prejudicial to administration of justice - violations of above rules.

### FINDINGS OF FACT

In 1994, Respondent agreed to represent the Complainant, Dr. Raphael Williams, a dentist, in a lawsuit in the United States District Court for the Eastern District of Missouri, *Raphael Williams v. Dental Plan of Missouri, et al.* (Ex. 47). The suit involved a claim of discrimination by the Delta Dental Plan of Missouri ("Delta

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<sup>1</sup> The Findings and recommendations set forth herein follow the format of the counts and subcounts contained in the Information, although the witnesses were presented in a different order.

21.04.405.0255  
Dental") and Sunset Hills Dental Group ("Sunset Hills") against Dr. Williams. The Respondent indicated that it was an excellent case. Numerous depositions were taken by the Respondent, with Dr. Williams present at each of them. During the course of discovery, the Respondent ignored numerous court orders resulting in the filing of a motion by both defendants for sanctions for Respondent's failure to respond to defendants' interrogatories. Shortly after suit was filed, the Respondent was served with a request for production of documents which he provided to Dr. Williams. When the documents were not produced to the defendants by December 5, 1995, Delta Dental filed its motion to compel and for sanctions (Exhibit 48). Dr. Williams did not receive a copy of the motion from Respondent.

On February 2, 1996, Delta Dental filed a motion for sanctions (Exhibit 49). On March 18, 1996, the Court granted the motion of Delta Dental to compel discovery, but denied its motion for sanctions without prejudice (Exhibit 50).

Dr. Williams was not aware of the entry of this order and did not receive a copy from Respondent. Nor did he receive a copy of a certificate of attempt to resolve (Exhibit 50).

On April 26, 1996, both defendants filed their joint motion for sanctions (Exhibit 52) concerning Dr. Williams' failure to respond to their request for production of documents and to answer interrogatories. According to the motion "Plaintiff has not produced or offered to produce one scrap of paper ... and has failed to abide by the Court's March 18 order requiring answers to certain interrogatories." (Exhibit 52). Defendants filed a brief in support of their motion for sanctions (Exhibit 53). On May

1, 1996, Sunset Hills filed a motion to compel and for sanctions, alleging that plaintiff had not answered its interrogatories or responded to its document requests (Exhibit 55). Responses to defendants' discovery were important because there was a discovery cut-off date of May 13, 1996.

A further dispute arose between the Respondent and counsel for the defendants in connection with the defendants' efforts to take Dr. Williams' deposition on June 3, 1996. On June 3, the date the deposition was to begin, Respondent sent a fax to defendants' counsel advising that he needed to postpone the deposition due to a scheduling conflict. On June 4, defendants filed a certificate of attempt to resolve concerning Dr. Williams' failure to appear for his deposition (Exhibit 56) and on the same date, filed a second motion for sanctions concerning the deposition. At this time there had not been full compliance with the Court's order concerning answers to interrogatories and production of documents. On June 10, 1996, the Court entered its order (Exhibit 58) partially granting the April 26 motion for sanctions.

Dr. Williams was ordered to pay Delta Dental's attorney's fees incurred in the preparation and filing of its numerous motions for sanctions and to compel discovery. The discovery cut-off date was extended and Dr. Williams was ordered to appear for his deposition and to answer all of defendants' interrogatories and to produce all documents requested by defendants. Finally, the court ruled that Dr. Williams' failure to comply with the order "shall result in the imposition of sanctions, including the dismissal of this action."

On June 20, 1996, Delta Dental filed its third motion for sanctions (Exhibit 60) alleging that Dr. Williams failed to comply with the Court's June 10 order by not appearing for his deposition, by failing to answer all interrogatories and for failing to produce all requested documents. On June 28, Delta Dental, in compliance with the June 10 order, filed its statement of costs in the amount of \$3,722, to be paid by Dr. Williams (Exhibit 61). On August 22, 1996, Delta Dental filed objections and its motion to dismiss to Dr. Williams' pre-trial filing (Exhibit AJ) on the grounds that it was filed a week late and that Dr. Williams has violated other orders of the Court by failing to provide jury instructions and a joint stipulation of uncontested facts (Exhibit 62).

On August 23, Sunset Hills filed a motion in limine (Exhibit 63) to exclude much of Dr. Williams' evidence on damages on the grounds that Dr. Williams had not provided evidence of his income for certain relevant periods. On October 10, 1996, Respondent filed a motion to withdraw as Dr. Williams' counsel on the grounds of a conflict of interest (Exhibit 64). On October 22, the Court entered its order (Exhibit 65) granting Delta Dental's third motion for sanctions and Sunset Hill's motion for sanctions in part (Exhibit 65) which required Dr. Williams to pay the defendants' attorney's fees in the preparation of their numerous motions for sanctions, to compel discovery and to extend the discovery cut-off date. Defendants were ordered to submit statements of their costs incurred in preparing and filing their motions.

On the same date, the Court granted defendants' motions for summary judgment, but granted Dr. Williams leave to file responses to the motions for summary

judgment (Exhibit 66). On November 8, 1996, defendants, in compliance with the October 22<sup>nd</sup> order granting sanctions, filed statements of costs totaling \$5,354.00. On March 26, 1998, the Court entered an order awarding Delta Dental \$3,722 as attorney's fees and Sunset Hills \$1,032. In the Order (Exhibit 71), the Court recognized that Dr. Williams did not file a response opposing defendants' motions and that the time for doing so had expired.

Shortly after the Court entered summary judgment for the defendants, the Respondent provided a copy of the order to Dr. Williams (Exhibit AG). Upon receiving it, Dr. Williams discussed the matter with another lawyer, a Mr. Carter from Omaha, Nebraska, who was a patient of his, and on November 21, Dr. Williams filed a pro se motion entitled "Plaintiff's Motion for Court to Redirect all Sanctions from Plaintiff - to - Plaintiff's Attorney." The motion was "based on incompetency." On January 9, 1997, the Court denied Plaintiff's motion (Exhibit 55).

On October 2, there was an angry confrontation between Dr. Williams and Respondent at Respondent's office. Dr. Williams appeared without an appointment to express his anger at the way his lawsuit was being handled by Respondent, as well as the way Respondent was handling another dispute he had with the Metropolitan Sewer District. According to the Respondent, Dr. Williams physically threatened and cursed at him and was very belligerent and intimidating.

On the same date Respondent wrote a letter to Dr. Williams (Exhibit 91) advising him of his reaction to the confrontation. He enclosed a copy of his motion to withdraw as Dr. Williams' lawyer in the Delta Dental matter, but indicated that he



21-04-405-0260

would continue representing him if he would apologize for his behavior, pay an outstanding deposition invoice and pay Respondent's firm additional compensation of \$300 "for your disrupting our business practice." The letter also stated "with respect to your other threat of physical harm, while I am sure the streets of East St. Louis equipped you to be able to handle yourself, let me remind you that I am from East St. Louis and I, too, have friends who will protect my interests."

Dr. Williams took this as a threat and ~~"felt physically threatened by that."~~ While he did not report the letter to the police, he did file the Bar Complaint (Exhibit 40). Dr. Williams denied that he threatened the Respondent and denied that he pointed his finger in Respondent's face or pressed his face against Respondent's face as claimed in Respondent's letter (Exhibit 91) to him. The Respondent testified that he did not intend to threaten Dr. Williams by reminding him of his East St. Louis connections. The reference was to keep him from being "punked out" by Dr. Williams. He stated that his reference to friends in East St. Louis was designed to convey to Dr. Williams that he also knew people "who will look out for me; so, if you are going to have people who are going to try to attack me, then I know people who will try to protect me."

The Respondent felt that Dr. Williams was not forthcoming with his responses to discovery and characterized him as "coy and secretive" as he did not want to reveal any information concerning his finances and business dealings outside of his dental practice. He further testified that he discussed the first motion to compel with Dr. Williams and filed a response to the motion (Exhibit AF). The Respondent admits that he did not provide Dr. Williams with the Court's second sanction order (Exhibit 58).

because he planned to fight the order and wanted to focus his efforts on Dr. Williams' deposition.

On July 5, 1996, the Respondent filed a response to defendants' motion for sanctions (Exhibit AG) and on August 8 filed a motion opposing defendants' motions for summary judgment (Exhibit AI). Dr. Williams testified that he had never seen Exhibits 53 through 60 until he retained the other lawyer in the fall of 1996, after he received a copy of Respondent's motion to withdraw. He and his new lawyer planned to file a motion for reconsideration when they discovered that the Respondent had already filed a notice of appeal from the summary judgment order. The Respondent acknowledges that he filed the notice of appeal after withdrawing as Dr. Williams' lawyer, but did so to protect his interests.

#### **Respondent's Failure to Respond to Informant's Subpoena**

The various complaints pending against the Respondent were scheduled for an informal hearing before the 21st Judicial Circuit Bar Committee on August 28, 1997. The Respondent could not appear due to prior out of town commitments, and because he had only been informed of the hearing six days earlier, on August 22. He advised Adrienne Anderson, Committee Special Representative, that he could not attend (Exhibit DDD).<sup>2</sup> Subsequently, she personally served a subpoena (Exhibit 122)

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<sup>2</sup> Exhibits DDD, EEE and FFF, while identified and introduced into evidence at the hearing, were misplaced and have not been located.

ordering him to appear before the Bar Committee on September 25, 1997 at 4:00 P.M.<sup>3</sup>

He did not immediately advise Ms. Anderson of his unavailability on September 25 because he didn't trust Mr. Beekman in the process.<sup>4</sup>

After receiving the subpoena, the Respondent faxed a notice of the hearing and a letter to Mr. El-Amin (Exhibit EEE) advising him that Adrienne Anderson was the contact person to discuss resetting the September 25 hearing. The Respondent did not appear on September 25 as he thought the hearing had been continued to October 27, and sent a fax dated October 16, 1997 (Exhibit FFF) to Mr. El-Amin advising him to request that the October 27, 1997 hearing be rescheduled due to another conflicting engagement. The Respondent was under the impression that the September 25 hearing had been rescheduled to that date. On October 20, 1997, Mr. El-Amin faxed a letter to Adrienne Anderson (Exhibit 93) advising that he represented the Respondent and stating that it was his understanding that the hearing had been postponed to October 27, but that Respondent was not available on October 27. He requested that the hearing be postponed to either January 12 or January 19, 1998.

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<sup>3</sup> The parties stipulated that Respondent received the subpoena ordering him to bring to the September 25, 1997 hearing all of his files concerning all six pending complaints which are the subject of the hearing and that he did not appear (Tr. p. 738). Our findings concerning this count of the Information, which applies to each count, will not be repeated in the findings relating to the other counts.

<sup>4</sup> Prior to August 22, Mr. Beekman appeared at Respondent's office, and inadvertently left another lawyer's business card with Respondent's secretary. Respondent became concerned that he "was being set up" (Tr. p. 768). During the hearing, however, Respondent, through counsel, stipulated that "there is no contention today, that in fact, any impropriety occurred by virtue of anything that Mr. Beekman did." (Tr. pp. 770-771).

21.04.405.0263

On October 22, 1997, Ms. Anderson wrote Mr. El-Amin (Exhibit 94) denying that the hearing had been rescheduled for October 27 and stating that the September 25 hearing date was "a date selected with Mr. Vicker's input." (Tr. p. 772) Subsequently, on or about December 16, 1997, an information (Exhibit 1) was filed and served. On April 1, 1998, Respondent filed his *pro se* answer to the Information (Exhibit 2) and on or about September 9, 1998, filed an amended answer.

### Recommendation

The Panel is of the opinion, and recommends, that the alleged violations of Count IA (competence), Count IE (misconduct for demanding \$300.00 from client), Count IF (conduct prejudicial to administration of justice-written threats against complainant) and Count IG (conduct prejudicial to the administration of justice-omnibus) should be dismissed. The Panel is of the opinion that the Respondent should be admonished for his violation of Count IB (diligence - failure to respond to discovery requests) and Count IC (communication - failure to keep client reasonably informed concerning matter undertaken).

The Panel recommends that Respondent receive a public reprimand for violating Count ID (disciplinary matters - failure to respond to Informant's subpoena to appear before Informant on September 25, 1997).

### COUNT II

Count II involves Respondent's representation of Paula Johnson in a lawsuit in federal court. He is accused of violating the following Rules:

- (A) Rule 1.3 - Diligence in failing to diligently pursue representation; ✓
- (B) Rule 1.4 - Failure to communicate; ✓
- (C) Rule 1.16(d) - Failure to return file to client after termination of representation; ✓
- (D) Rule 8.1(b) - Disciplinary matters - failure to reply to complainant's complaint; ✓
- (E) Rule 8.1(b) - Disciplinary matters - failure to respond to Informant's subpoena;
- (F) Rule 8.4(d) - Conduct prejudicial to administration of justice - violations of above rules.

*Educational Director 11 years*

### FINDINGS OF FACT

*International Ladies Garment Workers Union*

On or about April 17, 1995, the Complainant, Paula Johnson, engaged the services of Respondent to represent her in a discrimination case against the ILGWU claiming she was unfairly demoted and her position terminated (Exhibit 95). On August 1, 1995, a complaint was filed in the United States District Court in St. Louis by Respondent (Exhibits 72, 73). Mrs. Johnson was a very active client, providing the Respondent with names of witnesses and factual data relating to the lawsuit. She testified that none of these witnesses were ever contacted by Respondent and that no serious discovery was done by him. She testified that although she would often call the Respondent two times a week, she was never able to get through and her calls were not returned. She does not know if interrogatories or document requests were filed by Respondent, although she did respond to discovery directed to her.

*Johnson*

4920 504 40 12 21 04 405 0264

At one point because a substantial part of the claim involved emotional distress, an examination by a psychiatrist was ordered. The appointment was rescheduled one time and ultimately she was examined by a Dr. Friend, a psychiatrist, on December 10, 1996, from 9:00 A.M. to almost 5:00 P.M. Subsequently, Dr. Friend telephoned her directly to request a second appointment. She reported the phone call to Respondent, who said it was improper. The Court scheduled a second appointment for December 30, 1996, but she failed to attend because Respondent neglected to tell her it had been scheduled.

She was not aware until her file was given to her after her case was dismissed that various motions and orders had been filed, including a motion for sanctions (Exhibits 74 and 78), a motion in limine to exclude evidence of emotional distress for her failure to appear for the second examination (Exhibit 80) and an Order of September 27, 1996 (Exhibit 75) requiring compliance with discovery matters.

She was informed by the Respondent that the case had been scheduled for trial on February 10, 1997. Prior to that trial date, Respondent's secretary informed her that the trial was canceled. Subsequently she was informed that the trial had been rescheduled for February 24, 1997. She was not aware that on February 6 the Court had entered an order striking her claim for emotional distress for her failure to show up for the December 30 medical appointment (Exhibit 72).

She met with the Respondent and his associate, Lyell Champagne, for about an hour on the Saturday before February 24 and reviewed her deposition with him. However, she was not aware that Mr. Champagne was a lawyer. The Respondent had

21-04-405-0266

refused to provide her with a copy of the 500 page deposition until she paid him \$579 to reimburse him for the cost of the deposition (Exhibit AK) although she had paid him fees of \$7,000.<sup>5</sup> During this meeting, she asked about the witnesses and was upset because the Respondent hadn't contacted them.

She was told by Respondent that she did not have to be in court for jury selection and she told him that she would be in Court "around 10:00 and he agreed" (Tr. p. 547). When she arrived in Court at 10:00 or 10:10 A.M., the court room was empty. She saw the Respondent in another court room and he informed her that the case had been dismissed (Exhibit 85). According to her, the Respondent was rude and claimed that she had embarrassed him. She asked him to attempt to set aside the dismissal and when he refused, she made a handwritten filing seeking to have the dismissal set aside (Exhibit 83), but it was overruled.

The Respondent claims that Mrs. Johnson failed to appear on December 30, 1996 for the second part of the psychiatric examination which was ordered pursuant to Rule 35. He claims he discussed it with her, indicating its importance. Subsequently, in sustaining a motion in limine to strike her claim for emotional distress, Judge Charles Shaw, according to Respondent, was very angry with her. The Respondent recognized that Mrs. Johnson's claim for emotional damages was a big part of her claim. He stated that Mrs. Johnson was aware of the dismissal of the emotional damages part of her claim and was not surprised. He says there was copious discovery

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<sup>5</sup> A \$6,000 retainer and \$1,000 additional for an EEOC appearance in the same matter.

21-04-405-0267

in the case, including interrogatories (Exhibit AL) and a request for document production (Exhibit AM), and he attended both depositions of witnesses. He acknowledged that Mrs. Johnson had called him each time the case was set for trial. He stated that she did not complain to him about his handling of the case and that he was prepared for trial on February 24. However, it is undisputed that Respondent assigned Mr. Champagne as the lead attorney in this case (Exhibit 86, page 2). According to the Respondent, Mr. Champagne handled the Title VII cases for the firm, although he had only been admitted to practice since October 4, 1996 (Exhibit 119) and had never tried a jury trial before.

According to the February 24, 1997 transcript of Court proceedings, obtained by Mrs. Johnson (Exhibit 86), Judge Shaw brought in a jury at about 9:45 A.M. Respondent had advised the Court that he had a sentencing in another division, and Mr. Champagne informed the Court that they could not locate Mrs. Johnson "so I think that we are going to move to dismiss the case" (Exhibit 86, p. 4). The Court had previously offered Mr. Champagne the choice of impaneling the jury and while doing so, telling the panel that Mrs. Johnson "will join you later or whatever the situation is" (Exhibit 86, p. 4). At Mr. Champagne's suggestion to dismiss the case, the Court stated that the dismissal would be "with prejudice." There is no indication that Mr. Champagne argued against a dismissal with prejudice or that he sought any other relief, such as a continuance. The Court's "Order of Dismissal" of February 25, 1997 dismissed Mrs. Johnson's lawsuit with prejudice "due to plaintiff's failure to prosecute." (Exhibit 85).



21.04.405.0268

Following the dismissal, Mrs. Johnson attempted to have Respondent file an appeal, but he refused, and on March 3, 1997, wrote her a letter to that effect (Exhibit AY). She hired another lawyer and paid him \$3,000, but out of fear of sanctions, he declined to file an appeal. She also sent several faxes and certified letters to Respondent demanding the return of her files, which she received approximately eight months later, after disciplinary counsel intervened with a trip to Respondent's office.

### **Recommendation**

The Panel is of the opinion, and recommends, that Respondent should receive a public reprimand for violations of Counts IIA (lack of diligence),<sup>6</sup> IIB (failure to communicate with client, and IIE (failure to respond to the subpoena ordering him to appear before the Bar Committee on September 25, 1997). The Panel is also of the opinion and recommends that Respondent receive an admonition for his violation of Count IIC (failure to return file in a timely manner) and IID (failure to reply to the complaint). The Panel believes and recommends that Count IIF (conduct prejudicial to the administration of justice) be dismissed as redundant.

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<sup>6</sup> The Panel has given Respondent the benefit of the doubt that he did not mislead Mrs. Johnson concerning when she had to be in court on February 24, 1997, and that he did not appear in Court with the intention of dismissing Mrs. Johnson's case. If the Panel believed by a preponderance of the evidence that he misled his client and intended to dismiss her claim, more serious discipline would be recommended.

### COUNT III

Count III involves Respondent's representation of Ernest and Delores Washington in a claim against the St. Louis Police Department. He is accused of violating the following Rules:

- (A) Rule 1.1 - Competence;
- (B) Rule 1.3 - Diligence in failing to take any action;
- (C) Rule 1.4 - Failure to communicate;
- (D) Rule 8.1(b) - Disciplinary matters - failure to respond to complainant's complaint;
- (E) Rule 8.1(b) - Disciplinary matters - failure to respond to Informant's subpoena;
- (F) Rule 8.4(d) - Conduct prejudicial to administration of justice - violations of above rules.

### FINDINGS OF FACT

The Complainant, Delores Washington and her husband, retained the Respondent on July 17, 1991 to represent them on a contingent fee basis in connection with a claim against the St. Louis Police Department for alleged police misconduct at their home (Exhibit 96). Mrs. Washington testified that subsequent to engaging the Respondent, she received a proposed release and a check from the Police Board in the amount of \$3700 to cover their damages. She and her husband contacted the Respondent and were told to deliver the check to him because he said it was insufficient to cover their loss. According to her, the check was delivered to Respondent, who stated that he was going to return the check to the Police Board as

insufficient. Afterwards they attempted on many occasions to contact the Respondent, but without success. The Respondent agreed that he represented the Complainant and her husband in connection with this matter and appeared at a Police Board hearing on their behalf. He produced a letter dated March 26, 1992, addressed to Mr. Washington from the St. Louis City Counselor enclosing a proposed release in the amount of \$3,762.40 (Exhibit A). The letter requested that the attached release be executed and returned to the City Counselor who would then recommend payment by the Police Department.

The Panel finds that Respondent did not receive a check with the release. He advised Mrs. Washington and her husband not to sign the release because the Police Board's investigation had not been completed. He did not believe that he received anything further from the Police Department and isn't sure that he communicated his findings and recommendation to the Washingtons, although it is his normal practice to do so. Although he had no intention of filing suit for the Washingtons, he's not sure if he so notified them. He has no correspondence or notices concerning his findings and decision not to file suit.

When the Bar complaint arose, he wasn't sure who the Washingtons were, stating "but I don't have anything written to that, to close this out or communicated that to them." (Tr. Vol. I, p. 44). Afterwards, he found their file in storage and telephoned them to find out "where things stood." He met with them and advised them that he would attempt to get the Police Department to pay the \$3,700, but if they refused to do so, he would personally pay it. This meeting took place within a month.

after the Bar complaint was filed on March 19, 1997. His intention was to make an offer to the Washingtons from his own resources "Because they are entitled to it." He told them "... if the Police Department doesn't pay, I will." However, although the Washingtons came to Respondent's office on September 8, 1998, a day before they testified at the hearing, he declined to make payment because he thought it would create the impression that he was trying to buy them or discourage them from coming to the hearing. He told them that as soon as the proceedings were completed, he would make good on his promise and intends to do so regardless of the outcome of the hearing.

He filed an amended answer to the Information admitting that he had failed to pursue the matter for them, thus admitting Count IIIB (lack of diligence). With the exception of the last month or so, he hasn't spoken to the Washingtons, although he stated that he tried to call them or would leave it to his office to call them. He believes he tried to return their calls without success "and then not done anything further." (Tr. Vol. I, p. 50). He has no correspondence file, stating "No. That's, see, where, that's where I see we dropped the ball." Following research into Section 1983 and reviewing the record, he reached a conclusion that the case did not warrant a bigger recovery than the \$3,750 which had been offered. He has not made any recent effort to contact the City Counselor's Office to see if they would still honor the check. In closing argument, his counsel acknowledged "that this is not Mr. Vickers' finest hour. No one would disagree with that, but did state that he was willing to accept responsibility and accountability for the omission."

### Recommendation

The Panel is of the opinion that Count IIIA (competence) should be dismissed, but that Respondent should be admonished in connection with Counts IIIB (diligence) and Count IIIC (communication). Count IIID (failure to reply to complaint) should be dismissed and since the Respondent failed to respond to a subpoena to appear before the Bar Administration on September 25, 1997, he should receive a public reprimand. Count IIIF (conduct prejudicial to administration of justice) should be dismissed as redundant

### COUNT IV

Count IV involves Respondent's representation of a group of clients collectively known as the Association of Independent Airport Transport Drivers (the "AIATD") in connection with a lawsuit in the federal court in Orlando, Florida. He is accused of violating the following Rules:

- (A) Rule 1.1 - Competence;
- (B) Rule 1.3 - Diligence in failing to respond to discovery;
- (C) Rule 1.4 - Failure to communicate;
- (D) Rule 8.1(b) - Disciplinary matters – failure to respond to Informant's subpoena;
- (E) Rule 8.4(d) - Conduct prejudicial to administration of justice – violations of above rules.

### FINDINGS OF FACT

At the outset, Disciplinary Counsel dismissed Counts IVA and IVB (Tr. pp. 399-400). In addition, the Panel dismissed the charges contained in Paragraphs 19, 20 and

21-04-405-0272

21 of Count IV, consisting of a finding of "probable cause" issued by the Florida Bar based upon a complaint filed by the AIATD and referred to Informant because Respondent was not licensed to practice law in Florida. Dismissal was based upon the grounds that paragraphs 19, 20 and 21 did not state a proper claim. Following dismissal, no evidence was adduced concerning Paragraphs 19, 20 or 21, and no offers of proof were made. The hearing was conducted on Counts IVC, IVD and IVE.

On November 21, 1994, Respondent was retained to represent the AIATD of Orlando, Florida (Exhibit C). He was to be paid a \$25,000 non-refundable retainer (Exhibit 101), although Respondent denies receiving the full amount. The members of the AIATD were all taxi drivers. On November 25, 1994, the AIATD and its members, all of whom were taxi drivers, filed an antitrust and civil rights action against the Greater Orlando Aviation Authority (the "GOAA"), Mears Limo Service ("Mears") and the Yellow Cab Co. Judge Kendall D. Sharp presided. The principal issue was the domination of ground transportation services by Mears.

It was agreed that Respondent should communicate with the group through Kenneth Corley, a witness at the hearing, Howard Gumbs or Sylvia Alexis, with whom he corresponded on at least one occasion (Exhibit 103). In December 1994, Respondent came to Orlando to meet with his clients. In May 1995, Respondent met with the group again in Orlando and announced that he had good news in that the GOAA wanted to settle, and that he was considering dismissing the GOAA from the lawsuit for the reason that no blacks or minorities had ever won before Judge Sharp as he was

supposedly very controversial and racist. Mr. Gumbs said he did not want the GOAA dismissed.

During the month preceding this meeting, Respondent had corresponded with Foley & Lardner, the law firm representing the GOAA concerning some discovery matters. There was correspondence between the Respondent and Michael Beaudine of Foley & Lardner concerning the possible dismissal of the GOAA (Exhibits 105, 106, 107, 108 and 109). In the last letter from Respondent to Mr. Beaudine (Exhibit 109), Respondent expressed concern that Beaudine had indicated in prior correspondence that there was an "agreement" to dismiss the GOAA from the lawsuit. In the letter he questioned Beaudine's good faith in refusing to arrange a meeting between his clients and the GOAA to attempt to resolve the pending dispute.

On or about June 20, 1995, Respondent, on behalf of the plaintiffs, filed a motion to dismiss the GOAA (Exhibit 111). Mr. Corley did not know the motion was going to be filed and was not in favor of dismissing the GOAA. According to Mr. Corley, the Respondent had never met with him to discuss dismissal of the GOAA. The Respondent recommended that the lawsuit against GOAA be dismissed without prejudice because he believed that they would be more amenable to making concessions if the lawsuit weren't pending. He was encouraged because the GOAA's newly formed Ground Transportation Committee was making recommendations beneficial to the plaintiffs. Mr. Corley, however, was not comfortable that the Committee was serious about resolving the plaintiffs' concerns. When plaintiffs learned that the motion to dismiss had been filed, on June 27, 1995, they filed a motion seeking leave to withdraw the

21-04-405-0275

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motion to dismiss on the grounds that the Respondent had filed the motion unilaterally and without the unanimous consent of the plaintiffs and its decision making body (Exhibit 112). Many of the plaintiffs, including Messrs. Corley and Gumbs, signed this pro se motion.

On June 30, 1995, the Respondent sent a letter to all of his clients (Exhibit 113) explaining his strategy in dismissing the GOAA as a defendant.<sup>7</sup> He explained that a dismissal without prejudice would be preferable to a dismissal with prejudice, which the GOAA was seeking. He also indicated that he felt obligated to file a motion to withdraw as counsel for those plaintiffs who signed the motion to withdraw his motion to dismiss the GOAA as a party. Included in this letter was a form to be signed by those plaintiffs who signed Exhibit 112, indicating that they were withdrawing their signature from Exhibit 112 – the motion to withdraw the motion to dismiss.

On August 1, 1995, Respondent and his local counsel, Cynthia Cartwright, filed a motion to withdraw as plaintiffs' lawyers (Exhibit AZ). Earlier Respondent had sent two letters to Mr. Gumbs and Ms. Alexis reminding them that counsel for defendant Mears was threatening to file a motion to dismiss if the plaintiffs failed to respond to various discovery requests (Exhibits AAA, BBB) and in Respondent's motion to withdraw as counsel for the plaintiffs, a reference is made to their failure to respond to discovery requests. Respondent's motion to dismiss was sustained and the motion to withdraw the motion to dismiss was denied.

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<sup>7</sup> Dismissal was without prejudice.



Subsequently, although a motion for summary judgment filed by the remaining defendants was overruled, at a jury trial the jury found for the defendant. The plaintiffs were not represented by counsel at the jury trial.

None of the plaintiffs ever complained that he had failed to keep them informed. He believed that as long as they operated as a group, the airport board would know that they had a force to be contended with. He believed that the dismissal against GOAA had a positive effect and believed he had authority from his clients to file the motion to dismiss. He explained that it was the best course to take. He also testified that the real "deep pocket" in this case was Mears and that the action against the airport would not have resulted in any monetary benefit, only in injunctive relief. He explained that the dismissal was a tactic so that the plaintiffs could focus their efforts on Mears.

He believes Mr. Corley's testimony concerning his disagreement about the dismissal was untruthful. He thinks the majority of his clients had confidence in him and how he was strategizing "because we were winning." (Tr. 685). According to the Respondent, Mr. Corley became part of the splinter group who attempted to get the rest of them to go along with him. In a May meeting in the summer of 1995, Respondent attempted to obtain a consensus concerning dismissal. He believed 28 people at the meeting were in favor of dismissal because nobody stood up and argued against it. He believes that subsequently Messrs. Corley and Gumbs had neglected to communicate with the others who were not at the meeting and when they heard from

21-04-405-0277

them concerning the dismissal "they're put on the spot and have to take a different position. That's what happened." (Tr. 691).

The Respondent went to Orlando twice in May and at least once or twice in June 1995 to discuss discovery and other matters. During these trips, he always met with a large group of his clients. He explained that a dismissal without prejudice means that the group "had the option of being able to come back and hold that over their head." (Tr. 721). He does not have any correspondence with his clients before he filed the motion to dismiss which indicated that he was going to make the filing and that he had their authority. He believes the real issue for the group to decide was whether the dismissal should be with prejudice or not because that's what the GOAA wanted.

Although the motion to reinstate was signed by 19 people, 8 of them were not plaintiffs. He believes that although the case was styled in the names of the individual plaintiffs, it was really a group matter. The plaintiffs were all part of the group, but he didn't know who they were and didn't keep track of who paid his fees. He knew when he became involved in this litigation that there would be differences of opinion between the different plaintiffs. To respond to that potential problem, he set up a line of communication with Sylvia Alexis. He was not sure if he ever had a meeting where all 28 named plaintiffs were present.

Following the submission of evidence on Count IV, the Respondent moved for a dismissal which was taken under submission.

### Recommendation

The Panel is of the opinion and recommends that Respondent receive a public reprimand under Count IVC for his failure to communicate to his clients his intention to file a motion to dismiss the pending lawsuit against the GOAA. The Panel also recommends that he receive a public reprimand for Count IVD for his failure to properly respond to the Bar Committee's subpoena ordering him to appear before the Committee on September 25, 1997. The Panel recommends that Count IVE (conduct prejudicial to administration of justice) be dismissed as redundant.

### COUNT V

Count V involves Respondent's representation of Sandra Cunningham in a discrimination lawsuit filed in federal court in St. Louis. He is accused of violating the following Rules:

- (A) Rule 1.1 - Competence;
- (B) Rule 1.3 - Diligence in failing to respond to discovery;
- (C) Rule 1.4 - Failure to communicate;
- (D) Rule 8.1(b) - Disciplinary matters - failure to respond to Informant's subpoena;
- (E) Rule 8.4(d) - Conduct prejudicial to administration of justice - violations of above rules.

### FINDINGS OF FACT

In December 1993, the Complainant Sandra Cunningham, retained the Respondent to represent her in a sex discrimination case against her former employer (Exhibit 87). Subsequently he advised the St. Louis Civil Rights Enforcement Agency

21-04-405-0279

and the EEOC of his representation of Ms. Cunningham (Exhibits 28 and 29). When the Respondent was retained, Ms. Cunningham already had an EEOC claim pending against her former employer. In June, 1994, Ms. Cunningham filed a second claim with the EEOC (Exhibit 30). In June 1994 the EEOC issued a right to sue letter (Exhibit 31). Suit was to be filed within 90 days thereafter. The Respondent did not file suit within 90 days. He maintained that the 90 day limitation period only applied to suits filed under Title VII, but that a §1981 claim has a five year limitations period.

Suit was filed on December 2, 1994 (Exhibits 33 and 34). On March 18, 1996, the Court entered partial summary judgment in favor of the defendant, Creative Office Systems, Inc. (Exhibit 36) with respect to Ms. Cunningham's claim of sex discrimination and ordered that the case proceed only on the issues of race discrimination and retaliation. A copy of the order was sent to Ms. Cunningham, although in her deposition <sup>8</sup> she testified that she did not receive a copy of the order.

During the course of the litigation, the defendant filed interrogatories and a request for production of documents. On June 18, 1995 and July 28, 1995, Respondent, sent letters to Ms. Cunningham enclosing copies of the interrogatories and request for production and advising her to provide responses for him in proper legal form (Exhibits A and B to Exhibit 123). Ms. Cunningham was late in getting documents back to Respondent in response to defendant's request for production of documents. On January 17, 1996, defendant filed a motion to compel discovery (Exhibit 35) concerning

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<sup>8</sup> Exhibit 123 is Ms. Cunningham's deposition. It was taken because she was not available to testify at the hearing.

Ms. Cunningham's failure to provide documents which had been requested. The March 18, 1996, order (Exhibit 36), in addition to granting partial summary judgment, also ordered Ms. Cunningham to comply with defendant's prior discovery requests. Following non-compliance with the March 18 order, defendant, on May 10, 1996, filed a motion to enforce the order and for sanctions. On June 7, 1996, the Court entered another order (Exhibit 38) setting a hearing to determine if sanctions should be entered and whether the case should be dismissed for discovery violations. Respondent was uncertain as to whether he notified Ms. Cunningham of the motion to enforce. In the meantime, Ms. Cunningham's deposition was taken on May 30, 1996, and pursuant to an agreement with defendant's lawyer, the requested documents were produced at the deposition although Respondent does not have any documentation to prove that the requested documents were produced. Following her deposition, the Respondent informed her that the case could be settled for \$8,000. On June 25, 1996, Ms. Cunningham signed a settlement agreement settling the case for \$8,000. According to the Respondent, she seemed satisfied with the settlement. He did not believe that her case ever was in serious jeopardy of being dismissed.

The Respondent did not have confidence in Ms. Cunningham's claim of racial discrimination because the owners of the defendant company, the Barbers, had previously assisted her in acting as "testers" in a housing discrimination case that Ms. Cunningham had made, and settled for \$10,000. She had taken the owners to lunch and congratulated them on helping her. Respondent believed that she should settle her case for \$8,000 and his recommendation had nothing to do with the court's rulings.

He advised her that if she rejected the settlement, "I told her I thought we would lose." (Tr. p. 846). Another factor that influenced the Respondent was that her termination letter was signed by Tony Hill who was black.

### **Recommendation**

It is the Panel's opinion and its recommendation that Counts VA, VB, VC and VE be dismissed. With respect to Count VD (failure to respond to subpoena), it is the opinion of the Panel and it so recommends that Respondent receive a public reprimand.

### **COUNT VI**

Count VI involves Respondent's representation of James L. Wagoner in a lawsuit in federal court in Colorado. He is accused of violating the following Rules:

- (A) Rule 1.3 - Diligence in failing to diligently pursue representation;
- (B) Rule 1.4 - Failure to communicate;
- (C) Rule 1.16(d) - Failure to return file to client after termination of representation;
- (D) Rule 8.1(b) - Disciplinary matters – failure to respond to Informant's subpoena;
- (E) Rule 8.4(d) - Conduct prejudicial to administration of justice – violations of above rules.

### **FINDINGS OF FACT**

The Complainant, James Wagoner, and others, engaged Respondent's services on March 22, 1996, to bring a racial discrimination complaint against U.S. West in Denver (Exhibit B). He had been referred to the claimants by the National Black Chamber of Commerce. On May 1, 1996, the Respondent sent a letter to Mr. Wagoner

and three other putative plaintiffs, Harry Alford, Herman Malone and Jim Robinson enclosing a copy of a proposed class action lawsuit and suggesting his strategy (Exhibit C). On June 6, 1996, he filed a class action styled *National Black Chamber of Commerce v. U.S. West*. On June 25, Respondent wrote a letter to one of his clients, George McKay, explaining the situation to him and explaining his strategy (Exhibit 8). On August 29, 1996, he sent another letter to the same person and two more members of the class, Don Turner and George McKay, providing an update of his activities on their behalf. On September 26, 1996, he notified each client in writing of a problem he was having obtaining local counsel (Exhibit F).

On December 4, 1996, he wrote counsel for U.S. West concerning settlement (Exhibit H). On December 10, he informed his clients that he had been contacted by U.S. West's outside counsel to discuss settlement (Exhibit I). On December 18, Respondent wrote a letter to his clients expressing his concern that they lacked confidence in his approach (Exhibit 6). During this period there were numerous discussions between Respondent and his clients, including a meeting in February 1997 where the lawsuit was discussed. On March 12, 1997, Respondent wrote to U.S. West's outside counsel making a settlement demand (Exhibit 9). Copies of the demand were provided to his clients. Mr. Wagoner denied that he authorized Respondent to send the settlement proposal to U.S. West's lawyer. He was concerned that a settlement offer would be made without his approval and he was concerned that the Respondent had failed to return numerous telephone calls. He was also upset when their local counsel,

Robert Boss, withdrew and another lawyer, Grace Belaches, was hired by Respondent without their consent.

On March 14, 1997, following a scheduling conference with the Court on March 13, 1997, he notified his clients by letter of what took place at the scheduling conference (Exhibit O). He enclosed a copy of the scheduling order. On April 4, 1997, Respondent wrote his clients a critical letter concerning a conference call in which he was ignored and offering to withdraw if they were displeased with his services (Exhibit 7). On April 7, 1997, he provided defendants' interrogatories to Mr. Wagoner (Exhibit K). On April 11, he wrote U.S. West's outside counsel to reject a settlement offer (Exhibit L). Copies of that letter were sent to his clients.

Also on April 11, he wrote his clients to advise that he planned to resign as counsel unless they honored his fee arrangement under the retainer agreement (Exhibit M). On April 15, after consultation with the other plaintiffs in the case, Mr. Wagoner wrote a letter to Respondent terminating his services in the pending litigation (Exhibit 11). Similar letters were sent to Respondent by Mr. Alford (Exhibit 12), Mr. McKay (Exhibit 13A) and Mr. Robinson (Exhibit 13B). On April 15, Messrs. Wagoner and Alford also notified the federal court in Denver that Respondent had been terminated (Exhibits 13C and D). On April 17, Respondent sent a letter to his clients confirming his termination (Exhibit N). On April 23, Respondent filed a motion to withdraw as counsel (Exhibit 14). On April 24, the Court entered an order denying Respondent's motion to withdraw for noncompliance with local rules (Exhibit 15). On



April 28, U.S. West's counsel filed a motion to strike Respondent's motion to withdraw. This motion was denied as moot on April 29 (Exhibit 20).

On July 2, 1997, Mr. Wagoner filed the Bar Complaint (Exhibit 3) alleging, among other things, inadequate representation, failure to account for legal fees and failure to return their files. On July 14, 1997, Respondent filed his reply with the Bar Committee (Exhibit 4) denying all of Mr. Wagoner's complaints. On July 22, 1997, Messrs. Wagoner, Robinson and McKay filed replies to Respondent's reply (Exhibit 5).

The April 15, 1997 letter (Exhibit 11) also requested that Respondent return his files to Mr. Wagoner. Mr. Wagoner was concerned about whether the Respondent was being more loyal to him or to the Black Chamber of Commerce. He had not wanted the Black Chamber of Commerce to be in the lawsuit, but did not so notify the Respondent, and he did not object to the filing of the lawsuit as a class action. When the lawsuit was filed, the plaintiffs traveled to Denver with the Respondent to call a press conference announcing the filing. This was part of Respondent's strategy and Mr. Wagoner was pleased with the Respondent's aggressive approach. Respondent paid his own expenses and did not request reimbursement. At one point, an amended complaint was filed adding additional plaintiffs (Exhibit 21), but Mr. Wagoner did not recall that filing. Prior to terminating the Respondent, Mr. Wagoner did not send him any letters outlining his concerns about Respondent's representation. After the Respondent was discharged, the complainants hired another lawyer, but at the hearing Mr. Wagoner declined to discuss anything further concerning the litigation.

At the conclusion of Mr. Wagoner's testimony, it was determined that the Informant failed to make a prima facie case concerning Counts VIA and VIB relating to diligence and communication, respectively, and the Panel sustained Respondent's motion to dismiss those counts.

It was undisputed that when Respondent received the letters from Mr. Wagoner and Mr. Alford (Exhibits 11 and 12) requesting the return of their files, the Respondent immediately forwarded them to Mr. Alford who was the point man for the litigation as well as the President of the National Black Chamber of Commerce. Mr. Alford was involved in all of the negotiations and communications and active in all aspects of the litigation.

#### **Recommendation**

It is the opinion of the Panel and it so recommends that Counts VIA (diligence), VIA (communication), VIC (failure to return files) and VIE (conduct prejudicial to the administration of justice) be dismissed. It is the opinion of the Panel and it is so recommended that Respondent receive a public reprimand for Count VID for his failure to respond to the subpoena from the Bar Committee.

#### **Additional Matters**

Informant's counsel introduced into evidence two admonitions concerning Respondent's prior professional misconduct. In the first one (Exhibit 121), the Respondent was admonished on December 4, 1990, by the Bar Committee of the 22<sup>nd</sup> Judicial Circuit for a violation of Rule 8.4(d) of Supreme Court Rule 4. The details are set out in Exhibit 121. In the second admonition (Exhibit 120), on August 7, 1995, the

Respondent was admonished by the Bar Committee of the 22<sup>nd</sup> Judicial Circuit for violating Rules 1.3 and 1.4 of Supreme Court Rule 4. The details are set forth in Exhibit 120. These prior admonitions were only considered by the Panel in determining appropriate discipline and not with respect to any finding of misconduct in connection with any count of the information herein.

The Panel believes that in addition to the discipline recommended hereinabove, that in making its recommendation it should consider the number of charges on which misconduct has been found, as well as the two prior admonitions. The Panel believes that its findings indicate a pattern of misconduct by which Respondent has neglected his professional obligations to many of his clients which merits discipline greater than that discipline recommended for each separate infraction found by the Panel. Accordingly, it is the opinion and recommendation of the Panel that in addition to the discipline recommended on Counts I through VI of the Information, the Respondent should also be suspended from the practice of law for a period of thirty (30) days, with reinstatement to be automatic at the end of the 30 day period, provided that as a prerequisite to re-admission, Respondent provides the Court with acceptable proof that he has paid the Washingtons -- the Complainants in Count III -- the sum of \$3,762.46 as promised by Respondent (see p. 17 *supra*), plus simple interest at 9% per annum from May 1, 1992 to the date payment is made.

DATED: April 30, 1999.

  
Martin M. Green, Chair

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**IN THE SUPREME COURT  
STATE OF MISSOURI**

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**IN RE:**

**ERIC VICKERS,**

**Respondent.**

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**Supreme Court #81738**

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**INFORMANT'S BRIEF**

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## **TABLE OF CONTENTS**

<b><u>TABLE OF CONTENTS</u></b>	<b>i</b>
<b><u>TABLE OF AUTHORITIES</u></b>	<b>ii</b>
<b><u>STATEMENT OF JURISDICTION</u></b>	<b>1</b>
<b><u>STATEMENT OF FACTS</u></b>	<b>2</b>
<b><u>CHARGES</u></b>	<b>2</b>
<b><u>DISCIPLINARY HEARING PANEL FINDINGS</u></b>	<b>2</b>
<b><u>DISCIPLINARY HEARING PANEL RECOMMENDATION</u></b>	<b>2</b>
<b><u>COUNT I - DR. RAPHAEL WILLIAMS</u></b>	<b>3</b>
<b><u>COUNT II - PAULA JOHNSON</u></b>	<b>5</b>
<b><u>COUNT III - ERNEST &amp; DELORES WASHINGTON</u></b>	<b>7</b>
<b><u>COUNT IV - KENNETH CORLEY</u></b>	<b>8</b>
<b><u>COUNT V - SAUNDRA CUNNINGHAM</u></b>	<b>9</b>
<b><u>COUNT VI - JAMES WAGONER</u></b>	<b>11</b>
<b><u>FAILURE TO RESPOND TO DISCIPLINARY REQUESTS AND A SUBPOENA</u></b>	<b>12</b>
<b><u>PREVIOUS DISCIPLINE</u></b>	<b>14</b>
<b><u>POINT RELIED ON</u></b>	<b>15</b>
<b><u>ARGUMENT</u></b>	<b>17</b>
<b><u>VIOLATIONS</u></b>	<b>18</b>
<b><u>SANCTION</u></b>	<b>19</b>
<b><u>CONCLUSION</u></b>	<b>25</b>
<b><u>CERTIFICATE OF SERVICE</u></b>	<b>26</b>

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## **STATEMENT OF JURISDICTION**

This is an attorney disciplinary proceeding instituted by the 10<sup>th</sup> Regional Disciplinary Committee and the Chief Disciplinary Counsel, Informant, against the Respondent, Eric E. Vickers. Informant alleges that Respondent has violated certain provisions of Supreme Court Rule 4 (the Rules of Professional Conduct). This Court's jurisdiction is established by:

(A) Article 5, Section 5 of the Missouri Constitution, which states "The Supreme Court may establish rules relating to practice, procedure and pleading for all courts and tribunals, which shall have the force and effect of law, "MO. CONST. Art. V, § 5.

(B) Missouri Supreme Court Rule 5 permits this Court to hear charges that a Missouri attorney has violated provisions of Rule 4 (the Rules of Professional Conduct).

(C) This Court's previous rulings, defining its broad jurisdiction in attorney disciplinary cases: "From the very earliest times the right to punish attorneys by suspension or disbarment, as well as for contempt, has been exercised by the Courts as an *inherent power*, *In re Richards*, 333 Mo. 907, 913; 63 S.W.2d 672"; *In re Sparrow*, 90 S.W.2d 401 (Mo. 1935) [emphasis added].

(D) Section 484.040 RSMo (1994) recognizes that the Supreme Court has such disciplinary authority, noting "The power to admit and license persons to practice as attorneys and counselors in the courts of record of this state, or in any of them, is hereby vested exclusively in the supreme court and shall be regulated by rules of that court."

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## **STATEMENT OF FACTS**

### **CHARGES**

Six clients independently complained about Missouri attorney Eric Vickers' practices. He is charged with: five counts of neglect (Rule 4-1.3)<sup>1</sup>; six counts of inadequate client communication, (Rule 4-1.4); three counts of incompetence (Rule 4-1.1); two counts of failure to return client files, (Rule 4-1.16(d)); six counts of interfering with the administration of justice (Rule 4-8.4(d)), including one count of threatening his client; two counts of failure to respond to requests for information from the Regional Disciplinary Committee; and six counts of failure to appear in response to a disciplinary investigatory subpoena, (Rule 4-8.1).

### **DISCIPLINARY HEARING PANEL FINDINGS**

After a four day hearing, a duly appointed Disciplinary Hearing Panel found Mr. Vickers guilty of fourteen (14) violations, including four (4) communication charges, one (1) charge involving failure to respond to the Regional Disciplinary Committee; six (6) charges of failure to appear in response to a subpoena; and one (1) charge for failing to return a client's documents. The charges involving interference with the administration of justice were considered redundant, (DHP Rpt.).

### **DISCIPLINARY HEARING PANEL RECOMMENDATION**

Upon finding Mr. Vickers guilty of these charges, and upon considering two previous admonitions (for neglecting and failing to communicate with a client in one case and for

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<sup>1</sup> Informant dismissed charges of incompetence and neglect contained in Count III at the Panel hearing, so that only five (5) neglect charges and three (3) incompetence charges were heard, (T. 399-400); (Count III, ¶ 18 a & b: Information).

improperly maligning a judge in the other), the Panel recommended that the Court suspend his license, but automatically reinstate him after thirty days - if he paid restitution to one client, Delores Washington, (DHP Rpt. p. 33).

### COUNT I - DR. RAPHAEL WILLIAMS

Dr. Raphael Williams, a periodontist, retained Mr. Vickers in 1994 to represent him in a racial discrimination claim against a dental insurance company, (Exhibit AH). He was paid a \$7,500 advance fee, (T. 204). In 1996, while a federal court lawsuit in that case was pending, Dr. Williams retained him in a separate matter against the Metropolitan Sewer District, (Exhibits 40 & 42); (T. 201-399).

In the federal lawsuit against the dental insurance company (Delta Dental Plan), Vickers failed to respond to motions to compel discovery and motions for sanctions for failure to produce discovery, (Exhibits 46, 48 (docket sheet), and 49). The discovery was initially requested in June 1995; after numerous informal and formal efforts by Delta, the trial court ordered his client to produce the requested materials in March 1996, (Exhibits 48 and 50). Vickers failed to comply with that order, (Exhibits 46, 51 and 58); Delta filed numerous additional motions to compel and for sanctions; responses were not filed, other than requests for additional time, (Exhibits 46, 51, 52, 55 and 57). Vickers' client was ordered to pay attorney's fees for Delta's efforts to accomplish discovery, (Exhibit 58). After that sanction was imposed, Vickers again failed to produce discovery, (Exhibits 60-63). The trial court again ordered his client to pay attorney's fees for defendant's efforts to compel discovery, (Exhibits 46 and 65). Finally, in October 1996, the trial court granted summary judgment against Vickers' client, (Exhibits 46, 66

21-04-1995 09:23

and 67). No response was filed to Delta's demand for over \$5,000 in attorney fees, which were imposed against Dr. Williams, (Exhibits 65, 68 and 71); (T. 263).

The client, Dr. Williams, filed a motion seeking to have the sanctions imposed against Vickers personally, (Exhibit 69). His motion was denied, (Exhibit S).

Vickers first sent the discovery requests to his client, Dr. Williams, in March 1996; the requests had been delivered to Vickers in June 1995, nine months earlier, (Exhibit 48 and Exhibit X). Dr. Williams returned them, completed, within ten days, (T. 213-214). Also, in March 1996, Dr. Williams wrote to Vickers asking that the case be expedited, (Exhibit AB).

Dr. Williams also complained that Vickers appealed the trial court's summary judgment, against his instructions, (T. 235-236). And, he complained that when he asked about how his other case was handled, Vickers orally threatened him, and followed it with a letter that he took as a threat, (Exhibit 91); (T. 248-263). In that letter, Vickers wrote, purportedly in response to insinuations made by Dr. Williams, (which Williams denied): "With respect to your other threat of physical harm, while I am sure streets of St. Louis equipped you to be able to handle yourself, let me remind you that I am from East St. Louis. And, I too have friends who protect my interests, " (Exhibit 91); (T. 250-253). Vickers explained his letter to the Panel by saying that it was not a threat but that he "wasn't going to let him just punk me out," (T 344-345). He said the letter was not written in anger; he said he was "trying to be lawyerly", (T. 355; 388).

Mr. Vickers also testified that Dr. Williams was not "completely forthcoming" in responding to the defendant's interrogatories, (T. 322). He said he explained the consequences

of incomplete disclosure to Dr. Williams, (T. 324). He could not provide copies of correspondence to Dr. Williams discussing either discovery requests or motions to compel, but he said it would have been his regular practice to send them, (T. 325-328; 379).

Dr. Williams testified that Mr. Vickers did not tell him about any objections the defense may have had to his answers, (T. 215). And, he testified that he did not receive or learn of defendant's various motions for sanctions, (Exhibits 48, 49, and 52-63); (T. 212; 218-219; 222-225).

Vickers admitted refraining from telling his client about the June monetary sanction against him; he said he didn't think the order was justified (he planned to contest it). And, he wanted Dr. Williams to focus on an upcoming deposition, (T. 332). Dr. Williams first learned of the sanctions during his deposition, (T. 336).

When the court ordered him to provide additional answers to discovery, Vickers returned the same answers previously provided, because he "didn't understand exactly what the court wanted [him] to do", (Exhibits AF and 58); (T. 381-383).

As to Count I, the Disciplinary Hearing Panel found violations of the diligence and communication rules, (Rules 4-1.3 and 4-1.4). And, the Panel found that Respondent violated Rule 4-8.1 by failing to appear in response to a disciplinary subpoena, (DHP Rpt. p. 10).

#### **COUNT II - PAULA JOHNSON**

In May 1995, Paula Johnson retained Mr. Vickers to represent her in a civil rights claim against her union, (Exhibits 72 and 117); (T. 573). The trial court dismissed her claim for emotional distress because she had not adequately complied with an order to submit

After hearing evidence in the Paula Johnson matter, (Count II), the Panel found violations involving: lack of diligence, (Rule 4-1.3); failure to communicate, (Rule 4-1.4); failure to return Ms. Johnson's file, (Rule 4-1.16(d)); failure to respond to the subpoena ordering him to appear before the Bar Committee, (Rule 4-8.1); and, failure to respond to the Disciplinary Committee's requests for information, (DHP Rpt. p. 15).

### **COUNT III - ERNEST & DELORES WASHINGTON**

In 1991, Mr. Vickers agreed to represent Ernest and Delores Washington in their claim against the City of St. Louis. They claimed St. Louis Police Officers recklessly caused gunshot damage to their home during an arrest of neighbors, (Exhibits 22 and 96).

In early 1992, the City sent Mr. and Mrs. Washington an offer to settle their claim, with a full release, for \$3,762.40, (Exhibit A). They took the documents to Vickers, who advised them to decline the offer. He told them the offer was too low and that the facts were not yet fully developed, (Amended Answer to Count III).

He made no further effort on their behalf; he said he decided they had no possibility of further recovery, after reviewing the police department's Internal Review, (T. 42). Ms. Washington testified she made repeated unsuccessful efforts to talk with Vickers about their claim from 1992 until 1997, when she filed this disciplinary complaint, (Exhibit 22); (T. 21-22). He conceded he had no records of further efforts or communication, (T. 50-51).

He admitted failing to act diligently - in violation of Rule 4-1.3, (T. 58-60). And, he admitted he failed to communicate with the Washingtons for several years, saying he "dropped the ball", (T. 50-52), and therefore, violated Rule 4-1.4, (T. 58-60). He argued his conduct did not establish a lack of competence, (T. 58-60).

21-04-405-0297

Relying on Respondent's admissions and the Washingtons' testimony, the Panel found violations of Rule 4-1.3 (lack of diligence) and 4-1.4 (inadequate communication). They also found that he failed to respond to the disciplinary committee's subpoena, (DHP Rpt. p. 19).

#### COUNT IV - KENNETH CORLEY

In November 1994, Mr. Vickers undertook to represent an unincorporated association of independent taxi drivers in Orlando, Florida. They brought civil rights and antitrust actions against the leading Orlando taxi company, a limousine service, and the Greater Orlando Airport Authority (GOAA), (Exhibit 101); (T. 411; 459; 688). His testimony, the fee agreement, and court records indicated that he represented twenty-eight drivers as individuals, as well as the association, (Exhibit AZ); (T. 101-102; 722-723).

Soon after he filed suit, Vickers wrote to one driver, Sylvia Alexis, and told her that he would communicate with the group through her (Exhibit 103). He also agreed to communicate with the President (Howard Gumbs), (T. 673). The lead named plaintiff, Kenneth Corley, testified that he, too, was part of the representative group Vickers was to communicate with, (T. 414; 679). Corley was the Association's Vice-President.

In June 1995, seven months after filing suit, Vickers filed a unilateral motion to dismiss the case against GOAA, without prejudice, (Exhibit 111). At that time, neither GOAA, nor the other defendants expressly agreed to take specific action in exchange for the dismissal. Prior to the dismissal motion, at least two plaintiffs, including Association President Gumbs and Vice-President Corley, told Vickers not to dismiss the case, (T. 425-429; 487-488). According to Corley, Vickers did not discuss the issue again, until after he filed the dismissal, (T. 436).

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In fact, Vice-President Corley, along with President Gumbs and eleven other plaintiff drivers, promptly filed a motion asking that the Court rescind the dismissal motion because, they wrote, it was submitted against their wishes and without their knowledge or authority, (Exhibit 112); (T. 714-715).

Vickers, to the contrary, testified to explaining his reasons for dismissal to the group and obtaining their oral consent, (T. 676-679; 682-685). He first said, after consulting with the group, there was a "consensus" to dismiss GOAA, (he said "consensus" meant "everybody", (T. 688-689). He later testified to relying on a group representative to learn the group's "consensus", (T. 692).

Vickers sent no correspondence to either his individual clients, or any group representative indicating his intention to dismiss the case against GOAA, (T. 716-717).

The Panel found that Respondent failed to communicate his intention to dismiss the case against GOAA, in violation of Rule 4-1.4. Also, the Panel found him guilty of failing to appear pursuant to a subpoena during the disciplinary investigation, in violation of Rule 4-8.1. All other allegations contained in Count IV were dismissed, by Informant or by the Panel, without further objection by Informant, (DHP Rpt. p. 25).

#### **COUNT V - SAUNDRA CUNNINGHAM**

Saundra Cunningham paid Mr. Vickers in 1993 to help with her race retaliation and sexual harassment claims against her former supervisor and employer, (Exhibit 87 and Exhibit 123 p. 9, 14: (Cunningham Deposition)). He filed a lawsuit on her behalf in 1994, telling her she had a good case, (Exhibit 34 and Exhibit 123 (p. 30)). Vickers did not file an action within ninety days of having received notice from the

EEOC that her claim had been dismissed, as required by statute, (Exhibit 36: Order).

He denied that his failure affected her opportunities. (T. 796).

Although Vickers received interrogatories for Ms. Cunningham to answer in mid June 1995, he didn't forward them to Ms. Cunningham until late July of that year, (Exhibit 35 and Exhibit LLL); (T. 801-804).

According to Ms. Cunningham, she was never made aware of Vickers' efforts to obtain discovery, (Exhibit 123, p. 18). As to the defendant's discovery, she said she promptly returned answers to the interrogatories he delivered to her, (Exhibit 123, pp. 19-20). But, defendant filed motions to compel discovery because the discovery was not provided to them, (Exhibit 35).

Vickers had neither recollection nor documentation indicating that he sent Ms. Cunningham either the defendant's *later* motion to dismiss or the trial court's *later* discovery order, (Exhibits 36 and 37); (T. 816-819).

She explained that she had great difficulty in reaching Mr. Vickers during his representation, and that he didn't return her telephone calls, (Exhibit 123, pp. 23-25). He told her about her own deposition one day before, and spent only ten minutes preparing her, (Exhibit 123, p. 28). Within a day after her deposition, he called her to suggest settlement. One reason he gave for wanting to accept the defendant's offer was that she would probably lose the sexual harassment case, (Exhibit 123, p. 31). She later learned, for the first time during the disciplinary investigation, that the sexual harassment claim had been dismissed, before the deposition, as a discovery sanction, (Exhibit 36 and Exhibit 123, p. 34). Although he said he had forwarded the Court's order, he provided no



supporting correspondence, (T. 798-799; 846). Ms. Cunningham said he had never given any indication that any portion of the case might be at risk of dismissal, (Exhibit 123, p. 36).

Vickers said he explained another reason for wanting to settle, that is, her performance in the deposition; Ms. Cunningham denied that he provided that reason, (Exhibit 123, p. 71).

Ms. Cunningham's case eventually settled for \$8,000. Mr. Vickers took \$5,900 in fees, leaving Ms. Cunningham with a net recovery of \$2,100, (T. 829-830; 854).

As to Count V, the Panel found only that Respondent failed to respond to the disciplinary subpoena, (DHP Rpt. p. 28).

#### **COUNT VI - JAMES WAGONER**

In 1996, James Wagoner and several other African-American business owners paid Mr. Vickers \$25,000 (a non-refundable retainer) to act as lead counsel in claims against U.S. West, a Denver, Colorado based company, (Exhibit B and Exhibit 21); (T. 69-74; 121). They alleged U.S. West had discriminated against their businesses because they were African-Americans (Exhibits 3, 4 and 5); (T. 69).

Although Vickers described the case action as a class action, the class was not certified during his representation, (T. 198). His clients were Wagoner's company (OJC Transfer) the other named plaintiff businesses, and the National Black Chamber of Commerce, (Exhibit B and Exhibit 21); (T. 189; 198). Mr. Wagoner testified to repeated unsuccessful efforts to communicate with Vickers, (T. 73; 78-79; 83; 94). He said he didn't receive a copy of U.S. West's settlement offer, (Exhibit W); (T. 159; 165).

21-04-405-0301

In April 1997, the plaintiffs (Vickers' clients) sent him a letter discharging him, (Exhibits 11, 12, 13(a)-13(d)); (T. 96). Soon after that, Mr. Wagoner asked Vickers to return the materials *he* had delivered relating to *his* claim, (Exhibit 11). Another client, the representative of the National Black Chamber of Commerce, asked Vickers to send him the "files concerning the [Chamber's] participation". (Exhibit 12). Mr. Vickers sent all materials (including Wagoner's) to the Chamber, explaining he had only one file because the case was a class action (T. 188-189). He sent a letter to the Chamber explaining that the entire file had been sent, and sent a copy to Mr. Wagoner and the others, (Exhibit R); (T. 195-197).

Wagoner also complained that Vickers submitted a settlement offer to U.S. West without clearing the offer with him in advance, (Exhibit 9); (T. 92).

As to Count VI, the Panel recommended a guilty finding only as to Respondent's failure to respond to the disciplinary subpoena. They recommended dismissal of the charges relating to diligence and communication, (T. 180-182); (DHP Rpt. p. 32).

#### **FAILURE TO RESPOND TO DISCIPLINARY REQUESTS AND A SUBPOENA**

As to each of the six counts, Mr. Vickers is charged with failing to appear for a subpoena served by the Regional Disciplinary Committee, (Information, Counts I - VI). He is also charged with failing to respond to requests for information about two of the counts, (Information Counts II and III).

He admitted failing to respond to a request for information about the Washington complaint in Count III, (T. 6; 743). And, he admitted that after requesting additional time, he

never submitted further responses to the Committee's investigation into Paula Johnson's complaint, saying he "just didn't get back to file a response to that", (T. 6; 744).

He stipulated that he received the Committee's subpoena, but neither appeared nor delivered his files, as requested, (Exhibit 122); (T. 6; 738; 773). The Committee's subpoena demanded his presence at an informal hearing on September 25, 1999, after the Committee had granted his earlier extension request, (T. 757). He explained his failure to honor the subpoena by saying that he believed the date had again been continued to October 27, 1997. He had no explanation as to why he believed the hearing had been continued, (T. 760-762). But, after he received the subpoena, he had contacted the attorney who eventually represented him before the Disciplinary Hearing Panel, (T. 757-758). He did not retain that attorney or any other until after the hearing date passed, (T. 757).

Almost a month after the date of the scheduled hearing, Mr. Vickers contacted his attorney to ask him to contact the Committee Representative; his attorney, Mr. El-Amin, wrote to the representative, apparently assuming that the hearing had been continued from September 25 to October 27, he asked for another extension, (Exhibit 93). The Committee Representative wrote back to Mr. El-Amin, explaining that the hearing had not been continued and that the date had been selected with Vickers' input, (Exhibit 94).

Vickers explained his failure to attend the hearing as "inadvertence", (T. 762-763). He also said he was under the impression that the hearing had been continued, and that he did not deliberately avoid the hearing, (T. 950). But, he also testified that he was not available on the September 25 hearing date, (T. 766). He first said he was out of town on business on September 25, and that would have been his only reason to request a continuance, (T. 775).

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But, when asked by the Panel members to check his calendar, he reported that he was, in fact, in town the entire week of the September 25 hearing. (T. 775: 950). He then acknowledged having "no pressing engagements that week", (T. 950).

The Panel found Respondent guilty of Rule 4-8.1 by failing to appear in response to the subpoena, (DHP Rpt. p. 10). And, the Panel found another violation for Respondent's failure to respond to the Committee's earlier requests for information about Paula Johnson's complaint, (Count II); (DHP Rpt. p. 15).

#### **PREVIOUS DISCIPLINE**

Mr. Vickers has been disciplined twice. In 1990 the 22<sup>nd</sup> Judicial Circuit Bar Committee admonished him for publicly criticizing the qualifications and integrity of an Associate Circuit Judge, without cause, (Exhibit 121). In 1995 the Circuit Bar Committee admonished him for failing to sign a consent judgment on his client's behalf, thereby allowing a summary judgment against his client. He thereby violated Rule 1.3 (diligence). And, he violated Rule 4-1.4 (communication) by failing to adequately apprise his client of the case status, (Exhibit 120).

**POINT RELIED ON**

**THE COURT SHOULD ENTER AN ORDER SUSPENDING RESPONDENT'S LICENSE BECAUSE:**

**(A) HE VIOLATED RULES OF PROFESSIONAL CONDUCT INVOLVING:**

- 1. FAILURE TO ACT DILIGENTLY ON HIS CLIENTS' BEHALF IN THAT HE NEGLECTED DISCOVERY AND OTHER DEADLINES IN FIVE CLIENTS' CASES;**
- 2. FAILURE TO ADEQUATELY COMMUNICATE WITH SIX CLIENTS IN THAT HE TOOK SIGNIFICANT LEGAL ACTION IN HIS CLIENTS' CASES WITHOUT REPORTING HIS INTENTIONS TO HIS CLIENT, AND IN THAT HE DID NOT KEEP THEM APPRISED OF THEIR CASES' STATUS;**
- 3. FAILURE TO RETURN TWO CLIENTS' FILES UPON REQUEST;**
- 4. FAILURE TO RESPOND TO DISCIPLINARY AUTHORITIES IN THAT HE FAILED TO RESPOND TO REQUESTS FOR INFORMATION ABOUT TWO COMPLAINTS AND FAILED TO APPEAR IN RESPONSE TO A SUBPOENA FOR A MEETING TO DISCUSS SIX COMPLAINTS;**
- 5. CONDUCT PREJUDICIAL TO THE ADMINISTRATION OF JUSTICE BY THE ABOVE-DESCRIBED CONDUCT.**

**(B) A SUSPENSION IS APPROPRIATE IN THAT:**

- 1. THE INTERESTS OF PUBLIC PROTECTION INDICATE REMOVAL BECAUSE HE HAS ESTABLISHED A PATTERN OF FAILING HIS CLIENTS;**
- 2. TWO PREVIOUS ADMONITIONS HAVE NOT IMPROVED HIS PRACTICE;**
- 3. A.B.A. SANCTIONS STANDARDS, INCLUDING SIGNIFICANT AGGRAVATING CIRCUMSTANCES, CALL FOR SUSPENSION.**

**A.B.A. STANDARDS FOR IMPOSING LAWYER DISCIPLINE (1992)**

## **ARGUMENT**

THE COURT SHOULD ENTER AN ORDER SUSPENDING RESPONDENT'S LICENSE BECAUSE:

(A) HE VIOLATED RULES OF PROFESSIONAL CONDUCT INVOLVING:

1. FAILURE TO ACT DILIGENTLY ON HIS CLIENTS' BEHALF IN THAT HE NEGLECTED DISCOVERY AND OTHER DEADLINES IN FIVE CLIENTS' CASES;
2. FAILURE TO ADEQUATELY COMMUNICATE WITH SIX CLIENTS IN THAT HE TOOK SIGNIFICANT LEGAL ACTION IN HIS CLIENTS' CASES WITHOUT REPORTING HIS INTENTIONS TO HIS CLIENT, AND IN THAT HE DID NOT KEEP THEM APPRISED OF THEIR CASES' STATUS;
3. FAILURE TO RETURN TWO CLIENTS' FILES UPON REQUEST;
4. FAILURE TO RESPOND TO DISCIPLINARY AUTHORITIES IN THAT HE FAILED TO RESPOND TO REQUESTS FOR INFORMATION ABOUT TWO COMPLAINTS AND FAILED TO APPEAR IN RESPONSE TO A SUBPOENA FOR A MEETING TO DISCUSS SIX COMPLAINTS;
5. CONDUCT PREJUDICIAL TO THE ADMINISTRATION OF JUSTICE BY THE ABOVE-DESCRIBED CONDUCT.

(B) A SUSPENSION IS APPROPRIATE IN THAT:

1. THE INTERESTS OF PUBLIC PROTECTION INDICATE REMOVAL BECAUSE HE HAS ESTABLISHED A PATTERN OF FAILING HIS CLIENTS;
2. TWO PREVIOUS ADMONITIONS HAVE NOT IMPROVED HIS PRACTICE;
3. A.B.A. SANCTIONS STANDARDS, INCLUDING SIGNIFICANT AGGRAVATING CIRCUMSTANCES, CALL FOR SUSPENSION.

21.04.405.0305

the ball" on the settlement offer the City of St. Louis made to his clients, Ernest and Delores Washington.

**Rule 4.63** Reprimand is generally appropriate when a lawyer negligently fails to provide a client with accurate or complete information, and causes injury or potential injury to the client.

Aggravating circumstances and other sanction guidelines discussed here establish suspension as the appropriate overall sanction.

**Rule 6.22** Suspension is generally appropriate when a lawyer knows that he or she is violating a court order or rule, and causes injury or potential injury to a client or other party, or causes interference or potential interference with a legal proceeding.

Mr. Vickers ignored a subpoena to appear, with his files, before the Regional Disciplinary Committee. Although he claims inadvertence, he admits knowing the date for the hearing and not receiving any information that it may have been reset.

**Rule 9.22(a)** Factors which may be considered in aggravation. Aggravating factors include prior disciplinary offenses.

The 21<sup>st</sup> Judicial Circuit Bar Committee has issued two admonitions to Mr. Vickers.

**Rule 9.22(c)** Aggravating factors include a pattern of misconduct.

This case is derived from complaints of six independent clients, all relating to neglect and inadequate communication. A pattern is evident.

**Rule 9.22(d)** Aggravating factors include multiple offenses.

He is charged in six counts with: five (5) counts of neglect; six (6) counts of inadequate client communication; three (3) counts of incompetence; two (2) counts of failure to return client files; six (6) counts of interfering with the administration of justice, including one count of threatening his client; two (2) counts of failure to respond to requests for information from

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The Court should follow the Panel's recommendation to require restitution to the Washingtons. He told them to reject a \$3,700 settlement offer, then did nothing to collect that amount or more.

**Rule 2.8(f) Other sanctions and remedies which may be imposed include requirement that the lawyer attend continuing education courses.**

The Court should require Respondent to take courses in law office management. His repeated difficulties with clients prove his deficiencies with client communication. That he takes on difficult cases is no excuse for ignoring his clients. It is apparent that Mr. Vickers has the ability to raise the defendant's and public's awareness of his plaintiff clients' concerns, (T. 749-750). Unfortunately, it is also apparent that he often does not follow through to protect his clients' interests. He either takes too many cases, gets bored, or doesn't care what his clients want so that he does not fulfill some basic duties of representation, such as client communication and responding to discovery requests. A reading of the complaints and evidence in this case leads to a likely conclusion that if he can't reach a quick settlement for his clients, after successfully publicly pressuring the client's adversary, that he may begin negotiating without his client's authority or input.

**Rule 4.42(b) Suspension is generally appropriate when a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.**

Mr. Vickers' conduct since 1994, as shown by these six cases and his prior discipline, establishes a pattern of neglect. Certainly, several of these six clients were potentially harmed when he, inter alia; failed to respond to discovery requests; failed to discuss case strategy with them; failed to distinguish between the respective interests of co-plaintiff clients; and "dropped



## **SANCTION**

The Court should suspend Respondent's license indefinitely. He should not be reinstated for at least one year. And, he should not be reinstated until he assures that the Washingtons have been reimbursed, per the recommendation of the Panel. Finally, he should be required to complete a law practice management course designed by the Office of Chief Disciplinary Counsel.

### **A.B.A. Guidelines Indicate Suspension**

The following guidelines for the A.B.A. Standards for Imposing Lawyer Discipline apply:

**Rule 2.3**      Suspension is the removal of a lawyer from the practice of law for a specified minimum period of time. Generally, suspension should be for a period of time equal to or greater than six months, but in no event should the time period prior to application for reinstatement be more than three years. Procedures should be established to allow a suspended lawyer to apply for reinstatement, but a lawyer who has been suspended should not be permitted to return to practice until he has completed a reinstatement process demonstrating rehabilitation and fitness to practice law.

The Panel recommended a thirty-day suspension with automatic reinstatement, (DHP Rpt. p. 33). As discussed by A.B.A. Sanction Standard 2.3 and its Comments, suspensions of less than six months do not protect the clients of suspended lawyers. And, "... short-term suspensions are not an effective means of protecting the public," because rehabilitation cannot be established in less than six months, (A.B.A. STANDARDS FOR IMPOSING LAWYER DISCIPLINE (1992)).

**Rule 2.8(a)**   Other sanctions and remedies which may be imposed include restitution.

## VIOLATIONS

Violations of the communication charges are established by a reading of the facts as described in the Statement of Facts and the Record. In each case, the clients told of difficulty in contacting Mr. Vickers. In several cases, they told of Mr. Vickers taking significant legal action (case dismissals and filing an appeal) without authority.

The neglect charges are also self-evident. In most cases, he failed to respond to discovery requests. Discovery sanctions were imposed against his clients in the following cases: Williams (Count I); Johnson (Count II); Corley (Count IV); and Cunningham (Count V). And, as to the Washingtons, (Count III) he admitted to dropping the ball as to diligence and communication.

He violated Rule 1.16 by failing to return two clients' files to them. As to James Wagoner's complaint, Vickers was asked by various clients to send their respective files to the requesting clients. Despite their requests, he sent all material provided by each client to one client. And, he didn't return Paula Johnson's file until a Disciplinary Committee Representative retrieved it from his office.

As to the Rule 4-8.1 charges, Vickers admitted that he failed to respond to disciplinary investigators' requests for information about two of the clients' complaints. And, he admitted failing to appear in response to a subpoena. His explanation of inadvertence does not excuse him, certainly when taken with his failure to respond to the subpoena. he was in town and available on the day of the hearing.

544 S.W.2d 3 at 4 (Mo. banc 1976)). Reprimand is sued most often in simple neglect cases, *In re Hardge*, 713 S.W.2d 503 at 505-506 (Mo. banc 1986)) (also involved incompetence to handle the matter entrusted; *In re Colson*, 632 S.W.2d 470 at 471 (Mo. banc 1982)). It is significant that Respondent in this case did not seek personal gain by his actions. *Colson*, at 471. Moreover, there was no irreparable harm to the clients in the neglect cases.

*In re Staab*, 719 S.W.2d 780 (Mo. banc 1986); See also *In re Harris*, 890 S.W.2d 299 (Mo. banc 1994).

### **CONCLUSION**


Respondent has established a pattern of taking difficult cases, but not following through with the legal work and client contact necessary to serve his clients' interests. The Court should indefinitely suspend his license. He should not be eligible for reinstatement for at least one year, and not until he pays restitution to the Washington and completes a course in law practice management and client relations.

Respectfully submitted,

OFFICE OF  
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ATTORNEYS FOR INFORMANT

### Missouri Supreme Court Guidelines Indicate Suspension

It may be helpful to review several Missouri Supreme Court decisions to determine an appropriate sanction in this case. The following is a list of cases in which the Court entered orders of discipline after having found that the attorney neglected the case entrusted to him:

1. *In re Frank*, 885 S.W.2d 328 (Mo. banc 1994). Frank was indefinitely suspended by the Court, with leave to apply after two years, upon being found to have severely neglected eleven clients' cases. Frank had been admonished twice for similar misconduct and had failed to cooperate with disciplinary authorities. The Court noted that the question as to suspend or disbar was a close call. Conditions of reinstatement imposed by the Court included completion of a program intended to help lawyers with practice management problems, *id* at 334. The *Frank* opinion analyzes sanctions in varying degrees of neglect cases.

2. *In the matter of Dorsey*, 731 S.W.2d 252 (Mo. banc 1987). Dorsey was suspended for a period of 90 days following a court finding that he had neglected four clients' cases. In Count I, he was charged with neglecting a client and the client's case and failing to return promptly the client's legal papers and documents upon a request. In Counts II and III, he was charged with neglecting legal matters in divorce cases. In Count IV, he was charged with neglecting a client's case and failing to make a prompt refund of a portion of the fee paid by the client after agreeing to do so.

3. *In the matter of Striebel*, 744 S.W.2d 778 (Mo. banc 1988). Striebel was suspended for 60 days following a finding that he had neglected his client's legal matters and allowed default judgments and garnishments to be taken against his client. The *Striebel* case involved a single client and an isolated instance of neglect.

21-04-405-0311

21.04.405.0312

4. *In re Lavin*, 788 S.W.2d 282 (Mo. banc 1990). Lavin was suspended indefinitely with leave to apply after four months. The Court further ordered that he show proof that he made restitution and that he cooperate with Rule 16 Intervention Committee. Lavin neglected a client's child support matter. He requested that his alcoholism be considered a mitigating circumstance.

The Court noted "Suspension is an appropriate intermediate sanction for attorney discipline where a reprimand is insufficient to protect the public and to maintain the integrity of the legal profession and where the court does not believe that the acts of the attorney are such that he should be disbarred."

5. *In re Vails*, 768 S.W.2d 78 (Mo. banc 1989). Vails was suspended for six months as a result of Respondent's neglect of a legal matter entrusted to him, his intentional failure to seek the lawful objectives of his client through reasonably available means and his intentional failure to carry out a contract of employment.

The Court ruled "though the evidence does not demonstrate that Respondent is manifestly unfit to be at the Bar, he has clearly neglected his professional duties. Considering the circumstances of this case and noting that nothing in the record demonstrates prior professional misconduct, we order that respondent be suspended from the practice of law for six months." *id* at 81.

A review of the cases involving serious neglect of client business by attorneys reveals that suspension has been the sanction favored by the Missouri Supreme Court. However, the Court has also reprimanded Missouri attorneys whose neglect resulted in no irreparable harm:

For isolated instances of misconduct or clearly inappropriate acts with minimal harm to the client, a reprimand may be more appropriate. (See *In re Wendt*,

the Regional Disciplinary Committee; and six (6) counts of failure to appear in response to a disciplinary investigatory subpoena.

**Rule 9.22(e) Aggravating factors include bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency.**

Mr. Vickers' failure to respond to disciplinary investigations and subpoenas establishes another pattern reflecting his disregard for the Court's authority to regulate the profession.

**Rule 9.22(h) Aggravating factors include vulnerability of victim.**

Mr. Vickers not only acknowledges that many of his clients are unsophisticated, he uses that to excuse the frequency of complaints against him, (T. 747-750); he explained: "And that's the pattern that you see here, these are difficult cases, emotionally charged cases, people looking for vindication, they are fighters, they come to me because they see me as a fighter. When it doesn't go well, then they turn around and continue fighting", (T. 957). He said they don't "turn to a person who's trying to help them, but turn on that person", (T. 957).

**Rule 9.22(i) Aggravating factors include substantial experience in the practice of law.**

Mr. Vickers was licensed in 1982.

**Rule 9.22(j) Aggravating factors include indifference to making restitution.**

In 1992, he told Ernest and Delores Washington to reject a settlement offer; for six years, he did nothing to either get them more money or get that offer reinstated. Since March 1997, when he was reminded of his neglect by receiving a bar complaint, he has repeatedly promised to reimburse them - if the City doesn't pay. He provided nothing to indicate that he has contacted the City or made further effort. And, he has not shown evidence of reimbursing them, (T. 912).

**CERTIFICATE OF SERVICE**

I hereby certify that two copies of Informant's Brief have been sent by First Class mail  
on this 2<sup>nd</sup> day of August, 1999 to:

Eric E. Vickers  
7171 Delmar, Suite 101  
University City, MO 63130

Sam S. Phillips  
Sam S. Phillips

21-04-405-0314



**TRANSFER & DELIVERY SERVICE, INC.**

**P.O. BOX 56965-6965 PHOENIX, AZ 85079-6965**

**(602) 266-4566 Fax (602) 266-1699**

**James L. Wagoner, President**

July 2, 1997

Office of Chief Disciplinary Counsel  
3335 American Way  
Jefferson City, MO 65109

Dear Sirs:

This letter is being sent to officially file a complaint against Attorney Eric Vickers of St. Louis, Missouri. Mr. Vickers, who formerly represented us in a class action lawsuit,

- failed to fully represent our interest in the lawsuit
- failed to give an itemized accounting of \$26,000 in funds which were paid for his fees and expenses as he requested
- failed to send interrogatories to all plaintiffs
- failed to respond to telephone calls from plaintiffs and from defendants' attorneys
- failed to respond to individuals' personal attorneys in a timely manner
- failed to get files from our previous attorney as directed
- made settlement offer without conferring with plaintiffs
- sent plaintiffs insulting faxes telling us that we are less than intelligent
- failed to have followup meeting with defendants after important October 28, 1996 meeting between defendants and plaintiffs.
- changed local representation from Robert Botts to Grace Belsches without informing plaintiffs
- failed to return all files and documents as we requested

Exhibit



--expects to be paid on any settlement if we substitute counsel,  
which we have, even though he did not do a competent job  
for us.

The above comments are the collective experiences and complaints of the  
following four clients:

1A-Rob Moving  
Jim Robinson  
1219 McCormick  
Des Moines, IA 50316  
(515) 262-4832

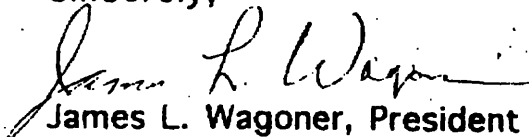
PAS Communications  
Thomas Turner  
P. O. Box 25122  
Overland Park, KS 66225  
(913) 764-0025

Reliance Maintenance  
George McKay  
2525 Douglas  
Des Moines, IA 50310  
(515) 255-3032

OJC Transfer & Delivery Svc, Inc.  
James L. Wagoner  
P. O. Box 26965  
Phoenix, AZ 85079  
(601) 266-4566

We want a full accounting of funds paid and a refund of all monies for  
which Mr. Vickers cannot account.

Sincerely,



James L. Wagoner, President  
OJC Transfer & Delivery Service, Inc.

Page 2

Exhibit  
H

# SUBPOENA

No. \_\_\_\_\_

THE STATE OF MISSOURI, To: Paula Johnson

YOU ARE HEREBY COMMANDED, that setting aside all manner of excuse and delay, you appear in person for a matter pending before the:

- |   |  |
|---|--|
| <input type="checkbox"/> Master appointed by the Missouri Supreme Court | <input type="checkbox"/> Advisory Committee                    |
| <input type="checkbox"/> _____ Judicial Circuit Bar Committee           | <input type="checkbox"/> Notary Public                         |
| <input type="checkbox"/> Chief Disciplinary Counsel                     | <input checked="" type="checkbox"/> Disciplinary Hearing Panel |

at: Court EN. Banc Room, Third Floor, ST. Louis County Circuit  
Court, 7900 Carondelet Blvd., Clayton, Mo. 63105  
on September 9, 199 at 9:30 o'clock, A m., and to testify truthfully  
concerning: Your Complaint against ERIC VICKERS  
; and hereof fail not, at your peril.

- ☐ And you are further commanded to bring with you then and there produce in evidence the materials listed on the ATTACHMENT TO SUBPOENA; and hereof fail not, at your peril.

## PARTY REQUESTING ATTENDANCE

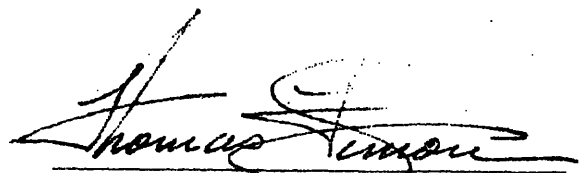
☒ Robert D. Beckman

Office of Chief Disciplinary Counsel  
3335 American Avenue  
Jefferson City, Missouri 65109  
Phone: (573) 635-7400  
Fax: (573) 635-2240

☒ Robert D. Beckman

Attorney for \_\_\_\_\_  
P.O. Box 21717  
ST. Louis Mo. 63109-0717  
Phone: 638-0313  
Fax: \_\_\_\_\_

WITNESS my hand as Clerk of the Supreme Court of the State of Missouri, and the seal of said Court.  
Done at office in Jefferson City, Missouri on this 24th day of August, 1998.

  
Clerk of Supreme Court of Missouri

638-0313

RETURN

I hereby certify that this Subpoena was served within the County  
of ST. Louis, State of Missouri, by delivering a  
copy of this Subpoena to the named person, on

August 24, 1998.

Robert D. Beckman, Designated Counsel  
PRINT NAME AND TITLE

Robert D. Beck  
SIGNATURE

21-04-405-0318

## NEWS

HEALTH BEAT | BUSINESS NEWS | WEB POLL RESULTS

## Prosecutor Blasts Protest Leaders



## HEADLINES

- > Police officer hurt
- > Tony Twist Awarded \$24.5 Million
- > Fair St. Louis Aftermath
- > Prosecutor Blasts Protest Leaders

St. Louis County Prosecutor Bob McCulloch wants protest leaders to face their accusations.

St. Louis County prosecutor Bob McCulloch blasted Eric Vickers and Tiahmo Rauf Wednesday afternoon. Vickers and Rauf are leading the group of protesters, who are demanding more information about last month's fatal police shootings outside a Berkeley Jack In The Box Restaurant. Among the group's demands, a copy of the surveillance camera tape taken outside the restaurant, which may have captured the shootings. Vickers and Rauf has suggested on several occasions that they have spoken to witnesses. Prosecutor McCulloch says if there are witnesses, he needs to talk to them. Says McCulloch, "Whether they have any or not, I don't know. But both Rauf and Vickers are phonys. We've known they were phonys for years." McCulloch says he will take all the evidence, and any witness information, and turn it over to a grand jury. If Vickers and Rauf are withholding witnesses, McCulloch says he will consider filing obstruction of justice charges.

WHERE THE NEWS COMES FIRST

## BUSINESS

Saturday, August 8, 1998 Page 3B

## Federally fined lawyer is facing state judge

By Scott Sievers

Belleville News-Democrat

Eric Vickers, a lawyer fined \$2,000 Thursday by a federal judge who threw out a case when Vickers missed a court date, faces a hearing Tuesday before a state judge who also tossed out a case when Vickers missed a court date.

On Tuesday, Vickers is slated to appear before St. Clair County Circuit Judge Michael O'Malley in a case unrelated to the one in federal

court. The case involves a woman who said she was injured in a 1993 car accident when her car and an Illinois Power truck collided. She wants more than \$50,000 in damages.

Illinois Power lawyers complained that Vickers failed to properly abide by the discovery process, where legal opponents disclose to each other what information they've gathered for their cases before they go to trial.

When Vickers missed a court hearing in the case, O'Malley threw out the suit.

Vickers said he has now complied with the discovery rules, and requested that O'Malley revive the case.

"I expect it to be reinstated," Vickers said.

Carl Lee, a lawyer in the case for Illinois Power, was unavailable for comment Friday afternoon.

In the federal case, U.S. District Judge G. Patrick Murphy ordered Vickers on Thursday to pay \$2,000 to the opposing attorneys. Vickers was insolvent, the judge said, and wasted

his opponents' time during a case about a school administrator who was dismissed.

The judge also said he interpreted a letter written by Vickers to suggest Vickers accused the judge of racial bias in dismissing the case. Vickers denied that's what he meant.

Vickers said he missed the court hearing before O'Malley because he was scheduled to be in another court at the time. He also said he thought the court hearing had been postponed.

# The Florida Bar Inquiry/Complaint Form

Please carefully review this inquiry/complaint form once you have included all information. Note that there is a requirement for you to sign the oath at the end of this form. False statements made in bad faith or with malice may subject you to civil or criminal liability. Further information may be found in the pamphlet "Complaint Against A Florida Lawyer?"

Please thoroughly review the Bar's Pamphlet "Complaint Against a Florida Lawyer"  
BEFORE filling out this form!

## ASSOCIATION OF INDEPENDENT

Your Name: AIRPORT TRANSPORT. DRIVERS Attorney's Name: CYNTHIA CARTWRIGHT Esquire

Address: HOWARD GUMBS P.O. BOX 421186 Address: 1515 S. Orlando Ave.

City: KISSIMMEE State: FL 34742 City: Maitland State: Fl 32751

(407)

(407)

Telephone: 933-5010 Zip Code: 34742 Telephone: 644-3884 Zip Code: \_\_\_\_\_

Is this your attorney? \*\* Yes/ No If not, who is your attorney?

Name: \_\_\_\_\_ Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_


## DESCRIBE YOUR COMPLAINT, PROVIDE DATES AND FACTS OF ALLEGED MISCONDUCT

(Use a separate sheet if necessary. Do not write on the back of this form!)

### SEE ATTACHED DOCUMENTS FOR DATES AND FACTS

Swerving Fidelity, divided allegiance (double-dealing, filed  
unauthorized, unethical and controversial motion to dismiss Greater  
Orlando Airport Authority (Defendant) without consultation/consent  
of the Association of Independent Airport Transportation Drivers  
AIATD (Plaintiffs). Violation Rule 1.4, Model Rules of Professional  
Conduct, ABA Model Code 7-8, EC 9-2 etc. Failed to inform plaintiffs  
personal relationship with Deputy Director and Vice Chairman of GOAA.  
Severely prejudiced Plaintiffs case due to lack of diligence/lack of  
prosecution, violation of court order/discovery sanctions, Violation  
of Attorney-Client Agreement, failure to include in lawsuit members  
who have made huge financial contributions towards the prosecution of  
action. Trafficking in Clients affairs, deceit, trickery etc.  
Under penalty of perjury, I declare the foregoing facts are true, correct & complete.

FOR ASSOCIATION OF INDEPENDENT  
AIRPORT TRANSPORTATION DRIVERS:

  
Signature  
HOWARD GUMBS (PRESIDENT)

## RETURN TO THE FLORIDA BAR

- |  |   |   |   |   |
|--|---|---|---|---|
| <input type="checkbox"/> Tampa Airport Marriott<br>Suite C-49<br>Tampa, FL 33607 | <input type="checkbox"/> 880 N. Orange Ave.<br>Suite 200<br>Orlando, FL 32801 | <input type="checkbox"/> Cypress Financial Ctr.<br>5900 N. Andrews Ave.<br>Suite 835<br>Ft. Lauderdale, FL<br>33309 | <input type="checkbox"/> Rivergate Plaza<br>Suite M-100<br>444 Brickell Ave.<br>Miami, FL 33131 | <input type="checkbox"/> 650 Apalachee Pkwy.<br>Tallahassee, FL<br>32399-2300 |
|--|---|---|---|---|

Exhibit  
D

(B021594A.MSC)

Brent Bookman  
BRENT BOOKMAN

FOR ASSOCIATION OF INDEPENDENT  
AIRPORT TRANSPORTATION DRIVERS:

Ken Corley  
KEN CORLEY

Howard Gumb  
HOWARD GUMBS

Jonathon Edwards  
JONATHON EDWARDS

LANFEAL B. HOUSE

Jesse Ruminski  
JESSE RUMINSKI

JOAQUIN HANANDEZ

Laurent Bien-Aime  
LAURENT BIEN-AIME

GUSTAVO ZUNIAA

RAMON BELIDOR

SYLVIA B. ALEXIS

JOHN CANTRELL

DENNIS MC,INTYRE

Don Tobias  
DON TOBIAS

Wilfredo Rosado  
WILFREDO ROSADO

ERIK GOMEZ

*Jose Elias Taveras*  
JOSE ELIAS TAVERAS

*Ronald C. Boston*  
O.C. BOSTON TRANSIT CO.

*Jean Ronald Myrtill*  
JEAN RONALD MYRTIL

*Ed Alonzo*  
ASSOCIATED LIMOUSINES  
OF FLORIDA INC.

*Luckuer Pereeval*  
LUCKUER PEREEVAL

WALTZ ALL METRO DRIVE  
(ROSE GREEN)

LANFEAL B. HOUSE

*Jose L. Gonzales*  
JOSE GONZALES

MICHAEL VAIL

*Linda Di Paolo*  
LINDA DIPAOLO

PAT BRITT

*Larry Vigneault*  
LARRY VIGNEAULT

*Francisco A. Valle*  
FRANCISCO A. VALLE

JONAS BELIDOR

*Jose R. Rivera*  
JOSE R. RIVERA

*Walter Dagher*  
DAGHER A. MASSEF

WILLIAM ERWIN JACKSON JR.

ANGEL NEGROU RODRIGUEZ

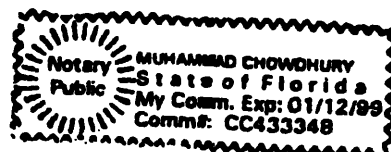
BOBBY RIVERA

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 12th  
day of July, 1995, by members of AIATD WHO is are personally  
known to me or who have produce valid identification and did take Oath.

Signature *Muhammad Chowdhury* Type Name MUHAMMAD CHOWDHURY  
Title: Notary Public

Commission NO. CC 433348



21-04-405-0323



# The Florida Bar Inquiry/Complaint Form

Please carefully review this inquiry/complaint form once you have included all information. Note that there is a requirement for you to sign the oath at the end of this form. False statements made in bad faith or with malice may subject you to civil or criminal liability. Further information may be found in the pamphlet "Complaint Against A Florida Lawyer?"

Please thoroughly review the Bar's Pamphlet "Complaint Against a Florida Lawyer"  
BEFORE filling out this form!

## ASSOCIATION OF INDEPENDENT

Your Name: AIRPORT TRANSPORT. DRIVERS Attorney's Name: ERIC C. VICKERS Esquire SUITE  
Address: P.O. BOX 421186 Address: VICKERS & ASSO. 5615 PERSHING, 29,  
City: KISSIMMEE State: FL City: ST. LOUIS State: MISSOURI  
(407) Telephone: 933-5010 Zip Code: 34742 (314) Telephone: 367-0120 Zip Code: 63112

Is this your attorney? \*\*Yes/ No If not, who is your attorney?

Name: \_\_\_\_\_ Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_

## DESCRIBE YOUR COMPLAINT, PROVIDE DATES AND FACTS OF ALLEGED MISCONDUCT

(Use a separate sheet if necessary. Do not write on the back of this form!)

### SEE ATTACHED DOCUMENTS FOR DATES AND FACTS.

Swerving Fidelity, divided allegiance (double-dealing), filed  
unauthorized, unethical and controversial motion to dismiss Greater  
Orlando Airport Authority (Defendant) without consultation/consent  
of the Association of Independent Airport Transportation Drivers AIATD  
(Plaintiffs). Violation of Rule 1.4, Model Rules of Professional  
Conduct, ABA Model Code EC 7-8, EC 9-2. Failed to inform plaintiffs  
personal relationship with Deputy Director and Vice Chairman of GOAA.  
Severely prejudiced plaintiffs case lack of diligence, lack of  
prosecution, violation court orders/discovery sanctions, violation  
of Attorney-Client Agreement, failure to include in lawsuit members  
who have made huge financial contributions towards prosecution of  
action. Trafficking in Clients affairs, deceit, trickery etc.

Under penalty of perjury, I declare the foregoing facts are true, correct & complete.

FOR ASSOCIATION OF INDEPENDENT  
AIRPORT TRANSPORTATION DRIVERS:

Howard Gumbs  
Signature  
HOWARD GUMBS (PRESIDENT)

## RETURN TO THE FLORIDA BAR

- |  |   |   |   |   |
|--|---|---|---|---|
| <input type="checkbox"/> Tampa Airport Marriott<br>Suite C-49<br>Tampa, FL 33607 | <input type="checkbox"/> 880 N. Orange Ave.<br>Suite 200<br>Orlando, FL 32801 | <input type="checkbox"/> Cypress Financial Ctr.<br>5900 N. Andrews Ave.<br>Suite 835<br>Ft. Lauderdale, FL<br>33309 | <input type="checkbox"/> Rivergate Plaza<br>Suite M-100<br>444 Brickell Ave.<br>Miami, FL 33131 | <input type="checkbox"/> 650 Apalachee Pkwy.<br>Tallahassee, FL<br>32399-2300 |
|--|---|---|---|---|

\*\*\* PLEASE TURN OVER FOR MORE SIGNATURES OF MEMBERS OF (AIATD) (B021594A.MSC)  
THE ASSOCIATION OF INDEPENDENT AIRPORT TRANSPORTATION DRIVERS

D

AKERMAN, SENTERFITT & EIDSON, P. A.

ATTORNEYS AT LAW

CITRUS CENTER  
285 SOUTH ORANGE AVENUE  
POST OFFICE BOX 231  
ORLANDO, FLORIDA 32802-0231  
(407) 843-7880  
TELECOPY (407) 843-8810

July 19, 1995

Via Facsimile and  
First Class U.S. Mail

Eric E. Vickers, Esquire  
5615 Pershing Suite 26  
St. Louis, MO 63112

Re: Association of Independent Airport Transportation  
Drivers, et al. v. Greater Orlando Airport Authority, et  
al., Case No. 94-1242-Civ-Orl-18 -- Pending Motions to  
Compel and/or for Sanctions

Dear Mr. Vickers:

This letter confirms our telephone conversation today concerning the above-referenced motions.

You represented to me that you "may have found a way to get rid of the case," but you needed "until Monday" to dismiss the case. You also stated that you agree with everything in the Motion to Compel sent to you Monday, and that we can go ahead and file that motion and the motion for sanctions concerning the failure of certain parties to appear for deposition on Monday, if we do not hear from you regarding dismissal.

Based on these representations, we will wait until Noon, Monday, Eastern Daylight Time to file our motions. I must advise you, however, that the motions may be filed notwithstanding your efforts to dismiss the case because, as you conceded, the motions are meritorious.

Sincerely,

Kevin W. Shaughnessy

KWS:kjh

cc: Paul Mears  
Gregory A. Presnell, Esquire  
Michael J. Beaudine, Esquire

Exhibit G

EXHIBIT - 9  
G

[mears.drivers]vickers-ltr-071995

proceedings include all events.

o:94cv1242 Association of Indep, et al v. Greater Orlando Air, et al

- 6/20/95 34 MOTION by plaintiffs Association of Indep, Ken Corley, Sylvia B. Alexis et al with memorandum in support to dismiss complaint against defendant Greater Orlando Airport. Exhibits filed separately. (mbk)
- 6/26/95 35 RESPONSE by plaintiffs Association of Indep, Ken Corley, Sylvia B. Alexis, et al. to [30-1] motion to compel plaintiffs to participate in discovery (mbk)
- 6/26/95 36 MOTION by plaintiffs Association of Indep, Ken Corley, Sylvia B. Alexis, et al. for sanctions against defendants - referred to Magistrate Judge Donald P. Dietrich (mbk)
- 6/27/95 -- Motion(s) referred: [30-1] motion to compel plaintiffs to participate in discovery referred to Magistrate Judge Donald P. Dietrich (Judge G. K. Sharp) (mbk)
- 6/27/95 37 MOTION by plaintiffs individually Ken Corley, Don Tobias, Wilfredo Rosado, Erik Gomez, Linda Diapaolo, O. C. Boston, Larry Vignault, Howard Gumbs, Jean R. Myrtil, Francisco A. Valle, Assoc. Limousine, Luckner Perceval, Jose R. Rivera, Brent Bookman and Wassef Dagher for leave of court to withdraw motion to dismiss cause as to defendant, Greater Orlando Airport and request for the appointment of grievance committee to investigate probable misconduct of attorney (mbk)
- 6/27/95 38 NOTICE of filing affidavit by plaintiffs Ken Corley and Howard Gumbs. (mbk)
- 6/27/95 39 AFFIDAVIT of Individual Plaintiffs by Ken Corley, Don Tobias, Wilfredo Rosado, Erik Gomez, Linda Diapaolo, O. C. Boston, Larry Vignault, Howard Gumbs, Jean R. Myrtil, Francisco A. Valle, Assoc. Limousine, Luckner Perceval, Jose R. Rivera, Brent Bookman and Wassef Dagher Re: [37-1] motion for leave of court to withdraw motion to dismiss cause as to defendant, Greater Orlando Airport and [37-2] motion request for the appointment of grievance committee to investigate probable misconduct of attorney (mbk)
- 6/28/95 40 MEMORANDUM by plaintiffs Association of Indep, Ken Corley, Sylvia B. Alexis et al in opposition to [33-1] affidavit/request for attorney's fees (mbk) [Entry date 06/29/95]
- 6/28/95 41 NOTICE of withdrawal of motion for sanctions to afford defendants an opportunity to withdraw or correct their motion to compel by plaintiffs Association of Indep, Ken Corley, Sylvia B. Alexis et al. (mbk) [Entry date 06/29/95]
- 29/95 -- WITHDRAWAL of terminating [36-1] motion for sanctions against defendants (mbk)

Exhibits

C

proceedings include all events.  
6:94cv1242 Association of Indep, et al v. Greater Orlando Air, et al

9/15/95 69 DEPOSITION of Jose R. Rivera taken 06-28-95 by defendants Yellow Cab Company, Airport Limousine of re: [67-1] motion for summary final judgment. Transcript filed separately. (jrm) [Entry date 09/18/95]

9/18/95 70 MILBURN ORDER [67-1] defendants Airport Limousine's and Yellow Cab's motion for summary final judgment taken under advisement 10-05-95. Parties may file documents in support of or against the motion up to that date. No hearing will be held. Response to motion reset to 10/5/95 for [67-1] motion for summary final judgment ( Signed by Judge G. K. Sharp ) ctc (jrm)

9/21/95 71 ORDER granting in part, denying in part plaintiffs [66-1] motion to extend time an additional 10 days to file response to defendant (ALS) motion to compel, for sanctions and dismissal of action. The plaintiffs shall file and serve their response to the defendant's motion to compel and for sanctions within 11 days. Granting defendant Airport Limousine's [61-1] motion for enlargement of discovery period until 10-15-95. Response to motion reset to 10/5/95 for [63-1] motion to compel, reset to 10/5/95 for [63-2] motion for sanctions, including dismissal ( Signed by Magistrate Judge Donald P. Dietrich ctc (djd)

9/22/95 72 MOTION by Association of Indep, Ken Corley, Sylvia B. Alexis, et al to extend time to respond to defendant's motion for summary judgement referred to Magistrate Judge Donald P. Dietrich (rdo)

ENT  
VOL

9/25/95 73 MOTION by plaintiff Association of Indep for the appointment of grievance committee to investigate probable misconduct of attorney admitted specially under Local Rule 2.02 (jrm) [Entry date 09/26/95]

BE

YU

9/29/95 74 RESPONSE in opposition by Airport Limousine to [72-1] motion to extend time to respond to defendant's motion for summary judgement (rdo) [Entry date 10/02/95]

10/3/95 75 ORDER directing Association of Independent Airport Transportation Drivers to obtain counsel within 10 days from the date of this order. Failure to comply with this order may result in sanctions. ( Signed by Judge G. K. Sharp ) ctc (rdo)

10/3/95 77 JOINT STIPULATION of dismissal with prejudice of plaintiff J. Curtis Britt's claims against Yellow Cab Company of Orlando, Inc. and Airport Limousine Service of Orlando, Inc. (rdo) [Entry date 10/04/95]

/3/95 78 JOINT STIPULATION of dismissal with prejudice of plaintiff Robert Reese's claims against Yellow Cab Company of Orlando, Inc. and Airport Limousine of Orlando, Inc. (rdo) [Entry date 10/04/95]

Exhibits C  
Page 15

## NEWS

HEALTH BEAT | BUSINESS NEWS | WEB POLL RESULTS

## HEADLINES

**Prosecutor Blasts Protest Leaders**

NEWS TIPS

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- > **Police officer hurt**
- > **Tony Twist Awarded \$24.5 Million**
- > **Fair St. Louis Aftermath**
- > **Prosecutor Blasts Protest Leaders**

WHERE THE NEWS COMES FIRST

2012-04-04 10:50:30